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**ENGLISH FOR ACADEMIC PURPOSES IN JAPAN:
AN INVESTIGATION OF LANGUAGE ATTITUDES
AND LANGUAGE NEEDS IN A DEPARTMENT OF LAW**

(In 2 volumes)

Volume 1



**Hajime Terauchi, LL.B in Law (Keio University)
M.A. in English Language Teaching (University of Warwick)**

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Summary

This thesis is concerned with the development of English courses in a Department of Law in Japan. It presents a case for the introduction of courses in English for Academic Purposes. It begins with a description of the setting for the present research, which consists of the historical development of legal education in Japan (chapter 1) and a study of Japanese approaches to English language teaching (chapter 2). This is followed by a survey of previous work into the language of the law and the teaching of legal English (chapters 3 and 4). Chapter 5 considers the needs of students who are required to read legal textbooks in English and reports on an investigation into the lexis of these textbooks. The analysis (using computational concordancing methods) demonstrates that the needs of undergraduates are not covered by existing wordlists or by proposed standards that would ignore the special needs of law students. A list of essential lexis is proposed, and the collocations of frequent legal terms are identified, thus providing a list of common legal phrases that could be valuable as a teaching resource. Chapter 6 reports on a questionnaire survey into the attitudes of students, law teachers and English teachers to the existing courses and to possible innovations. This reveals that many students and some teachers would welcome changes but that there are conflicting attitudes and resistance to change by some staff members. Chapter 7 draws on the findings of the lexical research and the attitude survey to suggest the introduction of a more varied English curriculum that should be acceptable to teachers and students and that includes courses relating to the language of the law. Proposals are also made for staff development. Chapter 8 provides a short postscript with suggestions for further research.

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Preface

English language teaching in Japanese universities is currently at a significant stage of development. There have been several government enquiries into ways of improving higher education, and two of them specifically make suggestions for the improvement of English language teaching: *Suggestions from the University Conference* (Daigaku Shingikai Tōshin) and *The Revised Standards for College and University Education* (Shin Daigaku Secchi Kijun). These were both published in May 1991 and originated in the Ministry of Education. The suggestions concerned two main areas. The first is about how teachers of English might appreciate the philosophy of education and the philosophy of the universities and base their teaching appropriately in these philosophies. The other is concerned with the question of what would now be the ideal features of English language courses at university level.

In most cases, up to the present time, university students in a department of law have had to study both *Special Arts Courses* (that is to say *legal* subjects) and *Liberal Arts Subjects*. The latter are supposed to contribute to a broad all round general education. English has been taught as a Liberal Arts Subject since 1947. Under this system, there has been a lot of freedom for English teachers and some English teachers have simply ignored students' needs and have taught their own specialisms, such as the interpretation of Shakespeare, Oscar Wilde or D.H. Lawrence either through lecture courses in Japanese or through Japanese translation methods, known as *Yakudoku*. Thus, at the present time, although they may have developed an interest in English literature, many law students have no competence in the use of English.

This situation demonstrates the importance of research and innovation into students' language needs in law departments. In particular, *The Revised Standards for College and University Education*, mentioned above, is going to force teachers to reconsider their roles because the distinction between Special Arts subjects and Liberal Arts subjects has been removed from the curriculum.

A point of particular interest is that *internationalisation* is a commonly voiced requirement for the Japanese people and, above all, for graduates. The importance of language education seems to feature more and more at university level. In addition,

lots of law lecturers at my university (Keio University) demand that the students should acquire English competence so that they can gain knowledge of their legal subjects through reading in English. In the preparation stage for the fields of *Common Law*, *European Legal History*, *International Law*, and the study of comparative law, increasing attention is paid to the characteristically different expressions and interpretations of legal terms across languages and cultures. Thus, it is not satisfactory to study foreign legal systems only through Japanese. In order to enable students to deepen their knowledge of their specialisms, it has become necessary to think seriously about teaching legal English. I would like English language courses to be seen as part of legal education in departments of law. In order for this to develop, we need to construct a bridge between legal education and English language education. I hope that this thesis will be a first step towards building such a bridge.

PART I INTRODUCTION

Chapter 1

Law, Language and Education in Japan

This chapter provides the legal and educational setting for the present research. It begins with an account of how the present legal system in Japan was influenced by the law and constitutions of other countries, followed by a brief account of the education of legal specialists in Japan, particularly focusing on features which differ significantly from Western systems. The chapter then explains the historical development of the university system and the reasons for the present attempts to reform university courses. The Department of Law at Keio University is identified as the focus of the research reported in this thesis.

1.1. The Impact of Foreign Laws in Japan

Very little traditional law is practised today in Japan. The present Japanese legal system is based on a complex mixture of laws and codes adopted from a variety of sources, including German, French, and American. This section attempts to explain, from a historical perspective, the influences of Western legal systems and civil codes and considers how the present system was established.

This chapter shows Japan's isolation from the rest of the world until the nineteenth century and in contrast the strong international influences that have taken place then. This background is important in understanding the role of language study in the Japanese legal context and also in giving direction to the type of problems that arise with learning English in a department of Law.

1.1.1. *Early Pressures by the West (before 1870)*

Reischauer and Craig (1978:116) state:

The Japanese by 1639 had so successfully closed their doors to the outside world that subsequently Japan all but dropped out of the consciousness of Europeans.

In short, from 1639 to 1853, Japan was not influenced by the power of colonization by the Western countries. Only the Netherlands and China were permitted to trade and then only on the island of *Deshima* in Nagasaki harbour. Japan is situated both

historically and geographically in an isolated position, and in addition to the lack of the trade, Japan managed to escape political and social pressures from abroad during that period. Moreover, Christianity was strictly banned.

In accordance with the general expansion of Western influences in Asia in the 19th century, some countries indicated their wish to trade with Japan. However, from the earliest times, the Japanese government, *Tokugawa Bakufu*, under the leadership of the *Tokugawa Shogun*, succeeded in rejecting their applications. For example, in 1792, Russian representatives arrived at Hokkaido, and, in 1797, English vessels visited Hokkaido, but neither managed to establish trade links. Many other countries also tried to open official relations with Japan without success.

In 1853, however, the arrival of Commodore Perry of the United States Navy forced the *Tokugawa Shogun* to consider a change in the principle of isolation from abroad. Noda (1976:41) describes how Perry gave a letter from President Fillmore to the Japanese Emperor, asking Japan to open its doors freely to foreigners. Noda (1976) also mentions that although the letter was quite courteous, nevertheless, it left no doubt about the real intention of the United States. A small number of *Shogun* authorities also heard that the British had defeated China in 1842. They were afraid that the existence of Japan might be threatened if the system of isolation should continue. The *Tokugawa Shogun* finally decided to establish relations with foreign countries if only to avoid invasion. In 1858, Japan concluded commercial treaties with England, France, the Netherlands, Russia and the USA. However, negotiations and trade regulations were not based on international law, but on very unfavourable conditions for the Japanese. These treaties included inequality of bargaining power, which could not but hurt the pride of the Japanese people. These two points were significant in the adoption of foreign laws from 1871. The *Meiji Government* (1868-1912), after the *Tokugawa Bakufu* (1603-1868), had to try to abolish the unequal conditions resulting from the commercial treaties (Noda, 1976:41).

The following is a brief explanation of the system of government in the *Tokugawa-Era* (1603-1868) which is included to explain why the Law in Japan came to be influenced from overseas.

There were at that time two men holding seats of power; one was called "*Shogun*" who represented political power, the other was called "*Tenno*" or Emperor,

and who was, in a sense, a symbol of the state and religion (*Shintoism*). The latter had no political power or authority at that time. However, after the establishment of commercial treaties with foreign countries, Emperor-centred nationalism developed.

In order to resist the invasion of foreign countries, one sector of "*bushi*" (the martial arts group) gathered around the Emperor, and rejected their traditional alliance to the *Shogun*. Since they had lost faith in the political system, they considered that, first of all, the *Bakufu* authority should be replaced by the Imperial authority with the support of "*bushi*". After some warfare, the system of government was changed to one which enforced imperial rule. The political cliques of Japan, therefore, reluctantly agreed to trade in order to deflect the threat of invasion. This is how resistance to trade with foreign countries disappeared in the *Meiji* Era (1868-1912). The class of "*bushi*" realized that Western modernization might be unavoidable for Japan. To support this, knowledge of foreign civilisations and advanced technology was hurriedly encouraged.

1.1.2. *The History of Legal Formulation (1870-1945)*

When the new government, *the Meiji* Government (1868-1912), introduced imperial rule, they needed an urgent formulation of a systematised legal system to replace the feudal laws. Oda (1992:26) explains the two reasons for this. One was to concentrate the political power on the emperor, the other was to make other countries admit that Japan had become a modernised country with an up-to-date legal system. In order to defend itself against colonization by the West, the *Meiji* Government was willing to adopt Western political and legal ideas. Other colonized countries might stick in part to their own traditional laws, but, in contrast, Japan abandoned almost all traditional laws. In addition, the *Meiji* government had to create the new legal system in quite a short time. At first the most favoured foreign system was that in use in France. The first Minister of Justice, Shimpei Eto, gave an order to Mitsukuri Rinsho in the following words:

Translate those (the French Civil Code) codes as quickly as you can and don't worry much about any errors you may make. (quoted in Noda, 1976:43)

The following is an account of the adoption of foreign laws after 1870. It seems inevitable that confusion would arise in the formulation of each law since it is

very difficult to follow the model of laws or codes with foreign origins. One problem is that legal systems develop differently in different historical contexts: for example, the French Code and the Prussian Code were based on "civil law", but in contrast, American Law and English Law were based on "common law". Moreover, within the categorisation of civil law, the French Code was quite different from the Prussian Code in many respects. Table 1.1 shows the history of and background to the adoption of laws in Japan (the information for each law is based on Oda, 1992:26-28).

Table 1.1: The Adoption of Foreign Laws

	promulgation	enforcement	influence
Shinritsu-koryo	1870	1870	Ming & Qing
Kaitai-ritsurei	1873	1873	Ming & Qing
First Criminal Code	1880	1882	French
"Chizaiho" (the first Code of Criminal Instruction)	1880	1882	French
the Constitution	1889	1890	Prussian
"Koshitsu-tempan" (the Act of the Imperial Household)	(1889)	1890	Original
Code of Civil Procedure	1890	1891	Prussian
Code of Criminal Procedure	1890	1890	Prussian
Civil Code	1890	abandoned	French
Commercial Code	1890	abandoned	French
Amendment to Civil Code (1-3 vols.)	1896	1898	Prussian
Amendment to Civil Code (4, 5 vols)	1898	1898	Prussian
Amendment to Commercial Code	1899	1899	Prussian
Criminal Code	1880	1907	Prussian

(Adapted from Hamashima-Shoten, 1988:120)

Shinritsu-Koryo was the original criminal code which was based on the laws of the *Ming* (1368-1644) and *Qing* (1636-1912) Dynasties in China. *Kaitai-Ritsurei* was an amended version of the above. Both of them proved to be obsolete and unsuitable for Westernization.

The first criminal code of the *Meiji* Government which was based on the French Civil Code was drafted by Gustaff Boissonade. Noda (1976:43) explains the reason for the adoption of the French Code:

Japan chose the legislation of France as its guide because the Common Law system appeared too complicated, whereas France had the five Napoleonic codes. Moreover the French codes had already been the inspiration for many countries that were modernizing their societies.

(Noda, 1976:43)

"*Chizaiho*" (the first Code of Criminal Instruction) was also based on the French Civil Code.

Nevertheless, French influence did not last long in the 1890s. One of the reason for the disappearance of French influences was the fall of the Minister of

Justice, Eto, and the other was due to the French political system. In short, to be workable the French Code required a parliamentary system, and at that time it was not possible to enforce such a system in Japan.

The Prussian Code seemed more suitable for Japanese requirements, because it allowed the Emperor in Japan, like the Kaiser, to be free from parliamentary control. The Prussian Code was also the most recent code to have been drafted among the Western countries. This, then, influenced the drafting of the Japanese Constitution, which was drafted by Hirobumi Ito, the first Prime Minister, and other government officers with the assistance of Hermann Roesler. This Constitution (with its consolidation of the Emperor's power) was the turning point from the French Code to the Prussian Code.

The next act, "*Koshitsu-Tempan*", was a rule regarding the succession of the Emperor and matters within the imperial household. This was promulgated because it supported the private governance of the Imperial household. The Code of Civil Procedure was influenced by the Prussian system, and the Code of Criminal Procedure was partly replaced by the first Code of Criminal Instruction.

The Civil Code had also been drafted by Gustaff Boissonade; however, it was abandoned in the face of strong opposition, because it too was based on the French Code. The Commercial Code was drafted by Hermann Roesler who was a German adviser. Nevertheless, it was thought that the Commercial Codes had been influenced by the Civil Code in general. Therefore, the enforcement of the Commercial Code was also abandoned.

The new Civil Code (1-3 vols.) was made up of general principles, the law of property and the law of obligations. Volumes 4 and 5 included Family Law and the Law of Succession. Both of them were based on the Prussian Code. The new Commercial Code was a revision following the Prussian style. The new Criminal Code replaced the first Criminal Code.

After the completion of the enactments of the major codes in the 1890s, legal education was introduced as quickly as possible. During the earliest period of legal education, foreign specialists visited Japan and gave lectures in their own languages. This was good reason for studying foreign languages at the time. However, by the middle of the 1890s, most courses of legal education were taught through Japanese by

Japanese lecturers. Even so, students' ability in foreign languages in those days was high; all the students were expected to read and translate foreign languages. We should remember this when we consider how language education for legal students could be arranged nowadays.

After the reception of foreign laws, especially after the introduction of Prussian Law, rapid industrialization took place in Japan. Due to this incredibly rapid industrialization and Westernization, Japan sought to enlarge its capital markets in Asia. Then, the Second World War took place in 1939. Japan joined the war in 1941 as one of the most recently industrialized countries. After the war, Japan had to receive the third impact of foreign laws, this time from the U.S.A.. This will be discussed in the next section.

1.1.3. Post-war reforms of the Japanese legal system (after 1945)

The Second World War ended in 1945 with the acceptance of the Potsdam Declaration. Japan was controlled by the Supreme Commander for the Allied Powers (SCAP), but as the occupation was American throughout, the reforms were accomplished under a strong American influence. Oda (1992:32) described the first steps by the SCAP as follows:

The law on the Maintenance of Public Security was abolished and political prisoners were released. It was proclaimed that *Shintoism* was to be separated from the State.

In short, it was agreed that demilitarisation and democratisation should be carried out.

Therefore, SCAP recommended the following five major reforms in 1945:

1. introduction of equality of the sexes (under the law)
 2. encouragement of trade unions
 3. liberalization and democratisation of education
 4. liberation from autocratic rule
 5. democratisation of the economy.
- (Oda, 1992:32)

The Constitution, which was strongly influenced by American Law, was enacted in 1947. The following description of the characteristics of the Constitution is abbreviated from Reischaur and Craig (1978:281):

1. The prewar elites were abolished.
 2. The Cabinet was constructed in the British model.
 3. Both houses of the Diet became fully elective.
 4. The judiciary was made independent.
 5. Governors of prefectures were elected.
 6. Human rights were guaranteed.
- (Reischauer and Craig, 1978:281)

It might be imagined that almost all laws in Japan were strongly influenced by American Law, but there were older codes that remained. Taira (1983:4) stresses these points of influence by America: the constitution and the other laws; Administrative Law, the three major labour laws, the Code of Criminal Procedure, Anti-Monopoly Law, Economic Law, the part of the Civil Code, but, as Oda (1992:33) points out, some major codes such as the Criminal Code, Code of Civil Procedure and the Commercial Code were retained without any significant amendment. In brief, the latter codes were still influenced by Prussian Law.

It is doubtful if it is possible to successfully absorb so many different legal styles or ideas into one country's legal system. Riley (1991), explains that Prussian Law is based on Continental Civil Law, whereas American Law is based on Common Law and he provides a detailed analysis of the problems (1991:205). A significant difference between them appears in the theory of Legal History. Many other countries, such as Singapore or Malaysia also received foreign legal systems, but changed the whole legal system, that is, they were forced to follow the initiated legal system completely (even though adaptations have, of course, been made since that time).

Nevertheless, the situation in Japan appears to be quite different. The current situation in Japan can be summarised as follows: as a fundamental system, Prussian law still exists and remains influential; however, American law has been also received in many areas. Therefore, we Japanese need to consider very carefully how these systems can be harmonized and practised. This is a significant task for the Japanese people. Noda (1976:5) explains the characteristics of the Japanese reception of foreign civilizations (including the reception of foreign laws) as follows:

Japan freely adopted ideas and habits from foreign civilizations. The ideas took root in Japanese soil, and cut from their native cultural surrounding, they have developed and been transformed into something quite different from the original.

This is an important insight. If we understand Noda's interpretation, the complicated Japanese reception of foreign laws immediately appears more reasonable.

In addition to the legal issues, the adoption of foreign laws has resulted in certain interesting linguistic problems. Translations of legal terms have sometimes failed to carry the same conceptual weight in Japanese that the terms carried in the original. This is developed further in Section 4.3.

1.2. Legal Education in Japan

In Japan, the number of legal specialists, that is to say, judges, procurators, lawyers, and professors of law in universities, is one person to eight thousand of the population. In contrast, in Germany, the legal specialist population is one to four thousand five hundred; in the UK, one to two thousand one hundred; in the USA, one to seven hundred fifty, but, specifically, in New York, the population is one to three hundred and in Washington, one to one hundred. So we can realize the relatively low percentage of legal specialists in the Japanese population. In Japan, only five or six hundred legal specialists join the profession every year. In contrast, more than ten thousand students graduate from Law Departments every year. In short, the number of law graduates working as professional lawyers is very small. In addition, though, some semi-specialists are working as in-house lawyers in business companies (data from Taira, 1983:463).

Taira (1983:463-464) also states that only 5% of graduates become judges, procurators or lawyers through passing the National Bar Examination (*Shihoshiken*). 10% of graduates proceed to the Masters course for 2 years, and less than 1% of all the law students in universities complete the Doctoral course. Only graduates from a Doctoral course can become professors of law in a university. The remainder, graduates of Bachelor's or Master's programmes, engage in non-legal or semi-legal business in Japanese society or join other professions. The relatively small number of legal professionals has to be remembered when considering the type of legal education provided in universities in Japan and the type of language support needed.

There are many differences in legal education between Japan and European countries and the USA. In this section, I explain the characteristics of legal education in Japan.

In Japan, students of 18 years old can enter a Department of Law in a university for a four year degree course. During the first two years, students do not study specialized subjects in law, but they focus on Liberal Arts Subjects such as English, Philosophy, Geography and so on, which might be called a part of general education. However, recently, the Department of Law in Keio University has changed the system, in order to allow students to major in some limited legal subjects such as Constitutional Law, Civil Law or Criminal Law even in the first or second year.

In the final two years of their four year course, students concentrate on legal subjects which are taught through lectures and programmes of reading.

Hiwatari (1991:182-184) compares the difference between German Law and Japanese Law, especially focusing on the purpose of legal education in each country. In Germany, the completion of university courses in law is essential in the training of law specialists. Therefore, university education in legal fields is significant for all the law students in Germany. In Japan, by contrast, anyone who has completed a general education in a university, (not only graduates of Law Departments), can attempt the National Bar Examination if they wish. Students of Economics or students of Letters can also take the National Bar Examination. Thus, legal education in Japanese universities does not directly help law students to become lawyers, although it might indirectly help to prepare them for the National Bar Examination; in fact, legal education itself does not necessarily give specific access to the profession.

Secondly, Hiwatari (1991:182-184) explains, in Germany, the National Bar Examination has been adopted as a qualifying one (which gives a license to lawyers). In Japan, although the National Bar Examination might be seen as a qualifying one officially, the number of the passing candidates is strictly limited to about 500 per year. The rate of pass is only 2% in Japan. In Germany, it is nearer to 70%.

In view of the above characteristics of the legal situation in Japan, it might be reasonable to ask why such a situation has arisen. As I will explain in Section 1.3, much of the present education system after the Second World War was adopted from the USA. This means that a relatively large number of students attend university. According to a report from Nippon Steel Human Resources Development Co. Ltd. (1988:15, henceforth 'Nippon'), 37.7% of high school graduates continued on to junior colleges or universities and 6.7% of university graduates continued on to graduate school.

However, the higher education system in Japanese universities has not adopted wholesale the system of Law School Education from the USA. In Japan, only the superficial features of USA legal studies have been adopted. The length of legal education in Law School in the USA is at least 3 years *after* completion of a general Bachelor's degree, which is also usually 3 years. In contrast, the length of the liberal and legal education in Japan is only 2 years for each. In addition, in the 4th year, very

few of the students can concentrate on broad legal subjects because they need to prepare for the National Bar Examination (which requires more in depth study of fewer subjects), or for the Governmental Officers' Examination. Some students spend a lot of time on application procedures for work with companies.

Tanaka (1991b:327) makes some suggestions for improving legal studies in Japanese universities. Legal studies, he argues, should be lengthened by at least 3 years after completion of a general degree course, following the U.S. pattern. Tanaka (1991b:359) stresses the importance of a general university education as a background to legal studies. In particular, he stresses need for the study of foreign languages, which can be helpful for comparing Japanese laws with foreign laws or for studying the specific area of International Law. English, of course, is of particular importance for International Law. Lastly, Tanaka (1991b:328) concludes that the objectives of legal studies in universities should be arranged for selected students who wish to become law specialists in the future.

On the other hand, Kaino (1991b:142) suggests a different approach to legal education. He (1991b) argues that even if a student may not become a lawyer, a judge, a procurator, or a law teacher in the future, he or she can gain advantages in daily life from a knowledge of legal matters. Therefore, Kaino himself offers a lecture series designed to make students acquire an understanding of the legal mentality itself.

A more detailed explanation of legal studies in foreign countries can be found in *the Appendix D of the Report of the Committee on Legal Education* (1971), which compares legal education in 13 countries: Australia, Canada, France, Germany, India, Italy, Holland, New Zealand, Nigeria, Scotland, South Africa, Sweden and the USA. Legal education in the UK is also described in the main section of the report.

1.3. The History of English Language Teaching in Japanese Universities

This section explains the changes in the Japanese education system through four main historical periods.

1.3.1. Changes in the Japanese Education System

(1) *The early stage before the Meiji Era*

During the *Edo* Era (1603-1868), which might be called the feudal age, there were two types of schools:

1: "*Han*" schools; public schools of the feudal domains in Japan. They taught the children of "*samurai*" (military) reading and writing Chinese characters (*kanji*), Chinese literature, and the cultural, moral, martial, and mathematical subjects.

2: "*Terakoya*"; private schools for farmers and town people. They taught reading, writing and arithmetic using the abacus.

According to Nippon (1993:211), there must have been, in those days, about 20 thousand *terakoya* in Japan, and about 40% of children of the farmers and town people probably studied there. Consequently, in comparison with Europeans in those days, many more Japanese people, even in lower social classes, could read and write quite fluently.

There was a clear discrimination between *han* schools and *terakoya* schools. Nobody in the farming or merchant class could enter the *han* school. Neither *Han* schools nor *Terakoya* schools taught foreign languages.

(2) *The first systematization of education after the Meiji Era*

Early in the *Meiji* era (1868-1912), as Japan had begun to Westernize and modernize in almost all areas, the *Meiji* government adopted compulsory education. The official date of introduction was 1872. The purpose of the education system was to develop industry and culture by introducing Western learning.

Nippon (1993:211) gives the attendance rate in 1901 for compulsory education: 90% of the children started school at age 6, and completed 4 years elementary schooling.

After the enactment of the Education system in 1872, there was rapid increase in the number of elementary schools, middle schools, girls' high secondary schools, vocational schools, high schools (17, 18 years), colleges and universities (see the History of Educational Acts before 1947 in Appendix 1.1). Nevertheless, after compulsory elementary schools were introduced, the number of students who continued to higher education was quite low. According to the Nippon (1993:213) report, in 1935, 18.5% of the elementary school graduates went on to the secondary school (including middle schools, girls' high schools and vocational schools), and only

3% of the secondary school graduates continued to study in higher education (high school, college and university). Foreign languages: (English, French, German) were taught only to post secondary school students at this stage.

Appendix 1.2 and 1.3 show data from Ohki (1988:115) giving the numbers of three types of structures of the education system in Japan: (Appendix 1.2) 1900, and (Appendix 1.3) 1920. The quantified growth of Japanese education is apparent from the figures. The number of graduates from higher education appears to have been quite small, and, graduates from higher education played much more important social roles than is now the case. This was the pattern of education up to the end of the Second World War in 1945.

(3) Educational system after the Second World War

The current Japanese school system was enforced by the New School Education Act (1947), which was enacted soon after the end of the Second World War. It consists of 9 years of compulsory education: 6 years for elementary school and 3 years for junior high school. After the compulsory education, there are 3 years of high school, then 2 years of junior college or 4 years for university. This system was based on the American educational system.

Since 1947, every junior high school student has had to study foreign languages: English, French, German, and others, as compulsory subjects. However, in fact, in more than 90% of the junior high schools in Japan, English has been only foreign language taught up to the present time.

Appendix 1.4 shows the growth in education. Elementary education and secondary education in Japan are highly regarded internationally; however, higher education, which includes college and university, has not obtained a high reputation. This will be discussed in the next section on the history of Japanese universities.

1.3.2. The History of Japanese Universities

Before 1947, the number of the universities in Japan was only 45, however, now it has reached about 450. Before 1947, the purpose of each university was to give a specialized education in such subjects as law, economics, or medicine. In those

days, the English language had already been studied either at preparatory school for a university (a *yoka*) or in high school (17 to 18 year olds). There were no English language lessons in universities before 1947.

Since 1947, when the present system was introduced, the teaching of the English language has been included in the curriculum of year 1 and 2 as a compulsory subject.

(1) Pre-War Higher Education (1868-1947)

(A) The Role of a University

Before 1947, there were two types of universities. One was the imperial university, and the other was the private university (incorporating the prefectural and municipal universities). A clear distinction between them must be recognized in considering the purpose and history of each type of university.

(a) Imperial Universities

Tokyo University (Tokyo Imperial University: 1897-1947) the oldest university in Japan, was founded in 1897. It was founded by the conjunction of the *Kaiseijo* (Legal, Physical and Industrial Institute) and the *Igakusho* (Medical Institute).

After the promulgation of the Imperial University act in 1866, the following Imperial universities were established between 1897 and 1939. All the Imperial universities were copies of Tokyo University.

1897 Kyoto Imperial University
 1907 Tohoku Imperial University
 1910 Kyushu Imperial University
 1918 Hokkaido Imperial University
 (1924 Seoul Imperial University in Korea)
 (1928 Taipei Imperial University in Taiwan)
 1931 Osaka Imperial University
 1939 Nagoya Imperial University
 (Ohki, 1988)

According to Nakajima (1969:212), the characteristics of Imperial universities were, in brief, "nationalism" and a "harmony between education and research". In short, regarding nationalism, the purpose of the Imperial universities was to focus teaching and research for national needs. Imperial universities were encouraged to be helpful for the Japanese state and responsible for the future development in Japan. The harmony between education and research followed the stated aims of modernised

or westernised universities, so that Imperial universities could succeed in obtaining a place of highest prestige in the higher international education system.

From 1947 until today, the Imperial universities have had a powerful influence on the other universities. They have good reputations, even though in name the 'Imperial universities' have legally not existed since 1947. Consequently, the present structure of the university system has remained the same since late in the 19th century in spite of the fact that the education system was forced to adopt the American system after 1947. This is significant in considering English language teaching in Japanese universities even now.

(b) Private Universities

Approximately 17 private universities were established by the year 1901 (see the list in Appendix 1.5) and 26 private universities were established in the years up to 1947. The main focus of the present research is the Law Department at Keio University, one of the oldest private universities in Japan. *Keio Gijuku* was founded in 1868 as a private school; however, as a result of the enforcement of the University Act in 1918, Keio Gijuku became Keio University in 1920.

Nakajima (1969:639) discusses the entrance qualifications for universities. According to the enforcement of the University Act in 1918 with very few exceptions, only graduates from high schools and graduates from the *yoka* (preparatory school for universities: see the next section) were admitted. He also (p. 649) states that one of the biggest characteristics of the private university system was that they were forced to establish *yoka* (a type of preparatory course for universities). In accordance with the University Act in 1918, a university could only admit students who had completed high school or the equivalent and matriculated. Thus, if a college wanted to become a university, it had to create a *yoka* to enable prospective students to matriculate. As a result of this Act many colleges had to give up the idea of becoming universities because they could not establish *yoka* as a result of a shortage of suitable staff or because of financial restrictions.

Anyway, these *yoka* were to be quite similar to the post-secondary high schools, offering a two year course in a wide range of subjects, including modern languages. Both of them acted as preparatory schools for universities, but the high schools fed Imperial Universities, whereas the latter were for private universities.

(c) Prefectural and Municipal Universities

Regarding the Prefectural and Municipal universities, the history and purpose were quite similar to those of private universities. The difference between them was that the former were managed and financed by the state, but the latter were independent. Students both from *Yoka* and *High School* could enter these Prefectural and Municipal universities.

(B) The Role of a *Yoka*

The curriculum of the *yoka* was very broad. Each student was likely to study at least ten subjects at the age of 17 and 18 years.

Table 1.2: Subjects in *Yoka* for Faculty of Law in 1920.

Moral Philosophy
Japanese and Chinese classics
English
German or French
History
Geography
Mathematics
Biology
Psychology and Logic
Philosophy
Economics Principles
Legal Principles
Accountancy
(Keio Gijuku, 1964:1717)

This is similar to the curriculum of the first two years of the BA Course in the Faculty of Law in Keio University in 1993. There are historical reasons for this similarity.

After 1947, when the Americans imposed the present undergraduate systems, these *yoka* were converted into the Liberal Arts Courses in the university system. For example, in the Faculty of Law, the first two years of study was a Liberal Arts Course based on the *yoka*. This important change from the *yoka* as an independent school to part of a university course caused considerable confusion in the development of the university curriculum because the nature of the courses was not parallel to university courses elsewhere. This problem remains with us to this day.

The methods, materials and even staff of the preparatory *yoka* were transferred to universities to teach general education courses. It seems that most teachers of these courses in the new universities did not recognize the philosophy of "general liberal

education" as understood by the USA. Few of the university teachers on a general education course wanted to teach according to the ideal philosophy of the USA. The teachers of the specialized subjects, such as Law, only reluctantly accepted the general education courses in preparation for their specialized courses as a result of the strong recommendations of the government. This is a significant point in considering recent Japanese university education. In short, the general education which the USA intended has never really been implemented.

The ideal university degree programme after the Second World War should have been accomplished through harmonizing general education and specialized education, perhaps through a programme of main subjects ('majors') and subsidiary subjects ('minors'). Nevertheless, the reality of university education is that discrimination against Liberal Arts Subject teachers has arisen. A lot of institutions which were not universities before 1947 had to expand their own pre-war education systems in order to become 'new' universities. In accordance with that expansion, they had to hire new teachers for general education courses. Those general education teachers were not specialists but they had been teacher training school teachers or *yoka* teachers or high school teachers. This was also true of those teachers who were asked to teach English.

We should remember that almost all these drastic changes after the Second World War took place in unnatural and unusual circumstances. However, Japanese people had to ignore these disadvantages in order to catch up with the Western countries as had happened during the *Meiji* Era (1868-1911).

1.3.3. Post-War Japanese University Education in Japan (1947-1993)

In this section, I describe the principles of the drastic change of the university education system after 1947, which were introduced by the USA and the Ministry of Education.

The occupation by the USA implemented many reforms in Japanese education, above all, the following:

1. The abolition of moral education as a separate course.
2. The emasculation of the Ministry of Education, particularly the removal of the power of local authorities over the curriculum, textbooks and teachers.

3. The division of the previously unified secondary schools (five-year middle school) into three-year segments; many conservatives had hoped to preserve some sort of elite course similar to the old middle school/higher school track.

4. The total lack of differentiation at the '*kotogakko*' (high school) and higher education levels; many wanted some sort of vocational track, and many could not accept the way the Occupation had put together dozens of inferior institutions and called them 'universities'.

(Schoppa, 1991:36)

During this drastic change in university education in 1946, the First United States Education Mission (FUSED) made a report on post-war higher education which stated their philosophy of university education. The report started from a criticism of the pre-war higher education system, which was arranged to promote "elites". In addition, its traditional academic approach was said to be completely separated from the ordinary citizen. Therefore, as a basic principle of post-war higher education, it was thought that everyone should have an equal chance to take higher education.

Maruyama (1992) states that, according to the report on university education: the first aim was study and research, the second was general education for promoting excellent citizens, and the third was specialized professional education for as many as possible.

With the assistance of the report, the Ministry of Education promulgated the School Education Law in 1947.

The University, as a centre of learning, shall aim at teaching and studying deeply professional learning and technical arts as well as providing a broad knowledge and developing intellectual, moral and practical abilities.

(Article 52 of the School Education Law)

Maruyama (1992:37-39) explains the characteristics of the School Education Act as follows:

1. Bringing uniformity to the pre-war higher education institutes and providing education for the masses.
2. the introduction of women's universities (during the pre-war period, there were no women's universities),
3. the introduction of general education,
4. the introduction of the credit system,
5. systematising graduate schools and establishing master courses.

Thomas, H. Marcel, who was a chairman of the Civil Information for Education (CIE), describes (1988) the "ideal" model of university graduates:

1. All graduates can speak, write, read and understand Japanese. They have to also understand foreign languages, and should develop their knowledge of technical and cultural processes.
2. All graduates have to own a sense of duty.
3. All graduates must know the history of social, cultural, economical and philosophical issues. They must know how to solve problems. They must realize that there are many different ideas in the world and know how to express their own ideas.

4. All graduates have to obtain general knowledge of the broad scientific principles and scientific methodology.
5. All graduates must continue to expand their education after their first degree.
6. All graduates must be able to enjoy their leisure time.
7. All graduates must understand the principles of maintaining good health.
8. All graduates must acquire enough specialized knowledge to be able to earn their own living.

(Seki, 1988:59)

In accordance with the above principles for the universities after the Second World War, the system itself was reformed. Although the ideal features of the new university education system were clearly stated, the real situation was very different.

From 1993, more than 40 years after the reforms of 1947, all the universities have to introduce reforms again. They need to reconsider the purpose of university education, and the objectives of all levels of education need to be clarified. In the next section, I give a brief description of the latest ideas for reform.

1.3.4. Reform of Japanese Universities from 1993

(1) The Suggestions from the Ministry of Education

As explained in the previous section, undergraduate courses before 1993 consisted of two years covering Liberal Arts Subjects, and the two years of the Special Arts Subjects. In 1991, two publications from the Ministry of Education had a big impact on the university. One was "Suggestions from the University Conference" (1991), the other was "Revised Standards for College and University" (1991). They stipulated that all universities had to reform their systems, and curriculum reforms in particular had to start in 1993. One of the biggest changes was that the clear distinction between the Liberal Arts Subjects and the Special Arts Subjects had to be completely removed. Even in the first two years, students are now able to major in specialized subjects such as Constitutional Law or Civil law, and even in the final two years, students can take general courses, such as English language: before 1993, students could only study Special Arts Subjects at that level.

Undergraduate education still lasts 4 years in general, (however, medicine and dentistry need 6 years). In graduate school, 2 years are necessary for the Masters (M.A. or M.Sc.) programme, and 3 years are necessary for the Doctoral (Ph.D.) programme.

Not only is the structure of the programme changing, but, according to "The Revised Standards for College and University Education" (1991) by the Ministry of Education, all the Japanese universities and junior colleges are obliged to improve their standards. If universities fail to adapt, they will not survive into the 21st century. All the universities; national, prefectural and private, should improve their own features, set their own targets and design their own plans and syllabuses.

Most Liberal Arts teachers viewed the Ministry's suggestions originally as quite reasonable. The suggestions appeared to indicate that every university teacher should teach his or her own special area. For teachers of English, this could still mean teaching courses in Shakespearian drama even in the Department of Law. In the Department of Law, narrow literature courses have been taught as part of the foreign languages programme by some teachers. These kinds of lessons, however, were not always viewed favourably by students or by the Special Arts teachers. On reading the reforms some of these Liberal Arts teachers were pleased to think that they could now teach Shakespeare even in the Department of Law without arousing any criticism. The Liberal Arts teachers also expected that the clear distinction between the Liberal Arts Course and the Special Arts Course would be removed completely thereby upgrading the status of their courses. They also expected that the English teachers would be able to run courses in the 3rd or 4th year. Liberal Arts teachers were, at first, pleased with the suggestions by the Ministry of Education, because the Liberal Arts teachers expected that their status and positions would become equal to those of the Special Arts teachers.

(2) *The gap between the expectation and the real situation*

Matsuyama (1993:51) comments that the prestige of the Liberal Arts teachers seems to be much lower than that of the Special Arts teachers. Namely, a clear distinction has been constructed between the Liberal Arts teachers and the Special Arts teachers since 1947.

One problem is that, for about forty years, Liberal Arts Courses have been taught without any agreed objectives or syllabuses. In addition, this teaching has been carried out under inferior conditions with respect to the class-size, the quality of teachers, and so on.

Unfortunately for the Liberal Arts teachers' expectations, by the removal of a clear distinction between the Liberal Arts Course and the Special Arts Course, the former's independence and status has been lessened because of the greater influence enjoyed by the latter. Particularly, English language teachers in universities have to face great difficulties in surviving because of the ineffectiveness and perceived irrelevance of some of their courses. One of the most widespread criticisms is "Why must Law students study Shakespeare in the Department of Law?"

The next section discusses ideas on the future of English language teaching in Japanese universities.

(3) *The reasons for the poor reputation of English language teaching in Japanese universities*

In some research conducted by JACET (the Japan Association of College English Teachers) in 1993, some reasons for the unfavourable reputation of English language teaching have been identified. Matsuyama (1993:51) explains that the first reason for the poor reputation of the courses is the ineffectiveness of the English language teaching in Japanese universities and lack of concern about the students' real English language needs. In spite of having passed the difficult entrance examinations and of having studied English language for at least 2 years as a compulsory subject on the Liberal Arts course, none of the 3rd or 4th year students are able to read specialized books even with the assistance of a dictionary. Their writing skills are not sufficiently developed to write even a letter, and their speaking abilities do not allow them to give simple directions to places in a town.

The second problem is that the students seem to have little motivation. Few students are eager to study English. Many students study the language just to pass the examinations or to obtain the credits for their graduation. In addition, some materials used in the liberal arts course may have already been used in their junior high schools or high schools. Table 1.3 reports 1st and 2nd year students' attitudes toward their English language lessons:

Table 1.3: Students' attitudes toward English language lessons

(Q.39) "How do you feel about learning English?"		
1	very negatively	18.4%
2	negatively	30.3%
3	I'm not sure	35.1%
4	positively	14.1%
5	very positively	2.2%
(Subjects 10,236)		
(JACET, 1985:151)		

It can be seen that fewer than 17% of the students have positive attitudes to learning English.

The third problem is the quality of English language teachers themselves. The majority of the English language teachers are specialists in English or American Literature (see Table 1.4). Significantly, this profile is strongest among those at Ph.D. level, and, therefore, the highest status, where 63.9% specialized in literature whereas only 9.0% specialized in language teaching. Therefore, many of them are not interested in teaching the language. Neither are they interested in Syllabus Design, Curriculum Evaluation, Teacher Training, Materials Development or Applied Linguistics. They believe that translation from English into Japanese is appropriate for university English language education.

Table 1.4: Last Qualification

		*EAL	EL	ELT
Before 1945	BA	58.6%	35.3%	19.0%
After 1945	BA	45.9%	35.5%	29.9%
	MA	55.6%	35.8%	14.7%
	PhD	63.9%	22.9%	9.0%

*EAL: English Literature or American Literature
EL: English Linguistics
ELT: English Language Teaching
(JACET, 1993:54)

Lastly, the universities' idea of English language education seems to be outdated and inadequate. In short, universities themselves misunderstand the necessary conditions for effective language teaching. Evidence of this is the class-size. In Keio University, it is normal for 40-50 students to be taught in one class for 90 minutes; this offers far from optimal language learning conditions.

(4) The Future of English language teaching

As a brief conclusion to 1.3: *The History of English Language Education in Japanese Universities*, it is necessary to introduce some ideas about the future of university English language education. Matsuyama (1993:51) sets out his views on university English language education:

1. English language is significant for all the students whichever area they might major in.
2. ESP (English for Specific Purposes) will be central to university English language education. ESP, in particular EAP, may help students to understand their specific fields in order to study more effectively their Special Arts Subjects.
3. University English language teachers must try to use theories of English Language teaching in order to make students understand the importance of cross-cultural communication. Therefore, authentic materials and appropriate methodologies will play a great part in university English language education.

These suggestions all seem to be reasonable, but it is especially (2), which is the concern of the present research.

Morizumi (1991:39) foresees and categorizes four possible scenarios for university education, especially English Language Teaching, after 1993:

- Scenario 1 Completely separating the Liberal Art (LA) and the Special Arts (SA)
- Scenario 2 Synthesizing the LA and the SA
- Scenario 3 Based on the LA
- Scenario 4 Based on the SA

Scenario 1 would follow the traditional scenario. In Scenario 2, English language would be taught as not only one of the Liberal Arts subjects but also as English for Specific Purposes in the 3rd and 4th years. Scenario 3 means that university education would focus on the Liberal Arts education, that is, a general education would continue, for all the four years. English would be one of the "main" foreign languages. In Scenario 4, university education itself would focus on the Special Arts for all the four years, and English language could be taught as English for Specific Purposes. In Scenario 2 and Scenario 4, ESP would be significant. Therefore in these cases, a realization of the need for the ESP teachers and the important role of ESP education in Japanese universities would be required as soon as possible.

In the next section (1.4), the new curriculum of Keio University from 1993 will be discussed.

1.4. An Introduction to the Department of Law in Keio University

1.4.1. *The work of the Law Department*

The textbooks analysed in this thesis (Chapter 5) are those used in the Department of Law at Keio University. The survey reported in this thesis (Chapter 6) was based in the same department.

The policies of the Department of Law are described by the International Centre in Keio University (1993:143-144) (see Appendix 1.6). We must remember that there is a difference between the expectations of students in the Department of Law and the real situation of the graduates from the Department of Law. The following is a description of the professional recruitment of the Department of Law, printed by International Centre in Keio University (1993:142-143):

In the past, most graduates of the Faculty of Law were expected to go into industry with the exception of a small number of scholars and journalists. Today, the faculty's graduates are found in legal, diplomatic, government, and every other field of Japanese society.

However, this means that most graduates still go into industry. In short, although the Department of Law would like students to enter the legal profession, most graduates are not necessarily willing or able to become lawyers, or legal specialists. This is very different from the situation of the Department of Law in the UK or the USA.

According to Keio Gijuku Nenkan (1992:338), only 15.8% of the graduates from Law Faculty continued to study legal subjects in the Graduate School on the Master's course in Law (see Appendix 1.7), and about 80% of the graduates from the Department of Law will not have a direct connection with legal studies in their future's lives. Appendix 1.8 describes the professional recruitment of the Law faculty in 1993 (Recruiting Office in Keio University, 1993:70-71).

1.4.2. *English language teaching in the Department of Law*

A new curriculum in the Department of Law started in 1993. The following two tables show the difference between the Curriculum since 1993 and that before 1993:

Table 1.5: The curriculum before 1993

graduation	Specialised Subjects		Foreign Language Subjects	General Education
entrance	Foreign Language Subjects	General Education		Health and Physical Education

(Keio University Hiyoshi, 1993:45)

Table 1.6: The curriculum since 1993

graduation	Legal Subjects		Foreign Language Subjects	Humanities Natural Science Social Science Subjects
entrance	Foreign Language Subjects	Mathematics/Statistics/Information Processing Subjects Health and Physical Subjects		

(Keio University Hiyoshi, 1993:45)

The characteristics of the new curriculum are listed below:

- (1) Students can study all the subjects (Foreign Language Subjects, Humanities Subjects, Natural Science Subjects, Social Science Subjects, Mathematics/Statistics/Information Processing Subjects, Physical and Health Subjects) every year: 1st to 4th, as well as Legal Subjects. Therefore the clear distinction between General Education and the Specialized Subjects has disappeared.
- (2) Concerning Foreign Languages, students study one language as a compulsory subject and have an option of studying further languages for credits.
- (3) Mathematics/Statistics/Information Processing Subjects which are required nowadays are popular with students.
- (4) A half-term intensive course is prepared for the students who enter in October.

It is difficult as yet to appreciate the changes or its effect on education in the Department of Law. However, even if this new curriculum is carried out efficiently, some of the issues should be considered carefully at the present time. In particular, it is urgently necessary to consider what the English language curriculum should consist of. Is it possible to offer EALP (English for Academic Legal Purposes) in the Department of Law?

In fact, already some English language teachers have tried to change their teaching and intend to set objectives and write syllabuses for their English language courses (for the outlines of each current English language course at Keio University,

see Appendix 1.9 which is taken from Keio University Hiyoshi (1993)). The characteristic points of the change are as follows:

- (1) There are compulsory language class in the first year: all the students have to study one of the foreign languages: English, German, French, Chinese, Spanish, Russian, Italian and Korean. For English language students cannot choose their teachers (this is the same as the old curriculum). It is difficult not only for students but also for law teachers to understand what kinds of English language lessons each teacher will give. Only limited information is available to show whether each compulsory English lesson will focus on Comprehension (reading and listening), or on Production (writing and speaking). The problem still remains that the students cannot select courses which they wish to take.
- (2) Selective (Optional) classes will be offered at 1st and 2nd year: these classes are the most significant changes in ELT in Department of Law. These classes are divided according to proficiency levels 1,2,3,4 and 5. Before 1993, the advanced level students often had to study in a beginner's level class, or the beginner's level students used to face serious problems since classes were not streamed. Now, with the proficiency test, students can get opportunities to take their appropriate level English courses (see Appendix 1.9).
- (3) There will be elective classes in 3rd or 4th years: some students who wish to study English further can choose to do so. This is also a crucial point in the new curriculum since 1993. Before 1993, even if a student studied English in 3rd or 4th year, the credit could not be counted towards graduation.
- (4) Some of the English language teachers can give lectures on English Culture and American Culture to the 1st and 2nd year students.

These are the main features of the new curriculum since 1993. However, although the English language teachers have tried to improve the situation, there are still areas where it seems rather difficult to make any changes. In brief, up to the present time, these suggestions have not found favour with law teachers at a department level. The problem is that there is little information exchanged between law teachers and English language teachers in the Department of Law. Some law teachers are not aware of what is happening in English classes and are not particularly interested, others complain about the situation. If English language teachers listened to the requests from law teacher and formed a consensus with law teachers about the requirements of English courses, lessons could become more effective.

1.5 Conclusion

In this chapter, I have presented the setting for the present research. I have tried to show the historical reasons for the nature of the curriculum in departments of law in Japanese universities and to account for the present need for change in approaches to the teaching of English.

The next three chapters will survey some of literature relating to the problem of introducing relevant English programmes to a Department of Law in Japan. The three areas discussed are: (1) English language teaching in Japanese universities, (2) Teacher's specialisms on ESP courses in university education, and (3) the language of the law.

PART II CONCEPTUAL FRAMEWORKS

Chapter 2

English Language Teaching in Japanese Universities

This chapter considers the present state of English language teaching in Japanese universities by summarizing research, attitudes and debates in four main areas: the influence of the entrance examinations, the major teaching method (*Yakudoku*), the objectives of language teaching in higher education and English for Specific Purposes.

2.1. The University Entrance Examination

In Japan, it is often said that the university entrance examination dominates the total education system. For any study of English language teaching in Japan at university level, this examination has to be taken into consideration.

According to JACET (the Japan Association of College English Teachers, 1993:130), the university entrance examination may be one of the main reasons for the ineffectiveness of high school English language teaching. The following are the answers given by high school English language teachers in the JACET survey:

Table 2.1: The problems of FLT in a high school
Q.68: "What is the biggest problem in English language teaching at high school level?"

Respondents	1,405
1. the insufficient classroom circumstances	99 (7.0%)
2. shortage of hours	76 (5.4%)
3. too big class-size	698 (9.7%)
4. inappropriate textbooks	95 (6.5%)
5. restricted by the government curriculum	56 (4.0%)
6. influence of the university entrance examinations	548 (39.0%)
7. others	53 (3.8%)
Answers	1,625

(JACET, 1993:130)

Why did such a large percentage of respondents see the exams as being a problem? It seems that English language teaching in high schools (upper secondary education) is dominated by the preparatory study for university examinations, and all the teachers focus on making students answer practice questions as quickly and correctly as possible. Moreover, the format of the examination is very limited; namely, it focuses

on grammar, reading, and a little writing, and includes no listening or speaking skills at all. Therefore, most English language teachers in high schools neglect spoken communication.

For the past ten years, the Ministry of Education has argued that the focus of English language education at a high school level should be changed from *translation* to *communication*. In fact, since 1994, every high school has adopted the *Guidelines to Study in the Senior High School: Foreign Languages* (the Ministry of Education, Science and Culture, 1989b), which is more concerned with spoken communication. According to the Ministry of Education, Science and Culture (1989b:2), the most important aims of a language course are the following; (1) to understand a foreign language, (2) to develop the ability to express one's ideas in a foreign language, (3) to encourage students to try to communicate positively with each other in a foreign language, (4) to encourage students to be interested in language around the world and understand international relations.

Notwithstanding the *Guidelines*, it seems difficult for teachers to accomplish the Ministry of Education's expectation. Even when the curriculum is changed by the Ministry of Education, all the high school teachers still aim to get students through the examinations. In short, the biggest problem is not the syllabus or curriculum of the Ministry of Education but the university entrance examination itself, and the teachers' approach to it. The high school students' and teachers' attention is constantly focused on the production of a clearly defined product: an accurate examination answers.

Before discussing the examination questions, a brief explanation of the examination system will be given. There are about 460 universities and colleges in Japan and each university organizes its own entrance examinations. Each college and university has several Departments. The following exemplifies the system:

A University	a Department
	b Department
B University	c Department
	d Department
C University	e Department
	f Department

If student X wishes to enter (a) Department or (b) Department at A University, he or she has to take two examinations, one for (a) and one for (b) independently. In

short, if there are 5 Departments in a university, there will be 5 distinct examination papers. Therefore, students have to prepare for each examination.

An examination paper can be seen in Appendix 2.1. As the reader can see, most questions focus on reading and writing, or translation from English into Japanese, or Japanese into English.

In recent years, some university entrance examinations have changed their focus from grammar tests to tests of communication such as listening and dictation. But in spite of this variation, most universities still focus on grammar, reading through translation and writing through translation.

2.2. The Place of the Translation Method (*Yakudoku*)

Even nowadays, the use of translation from English into Japanese is the major method in English language teaching. In comparison with the methods used in other countries, this is one of the main characteristics of English language teaching in Japan. The study of translation has a long history in Japan.

The Japanese envoys to *Sui* Dynasty China (589-618) and *Tang* Dynasty China (618-907) were the first Japanese who made contact with foreign languages. The envoys almost certainly acquired Chinese by direct methods. Then, they returned to Japan, and spread knowledge of Chinese culture through Japanese. At that time many educated, high status Japanese wanted to learn the Chinese language and how to read and write in Chinese characters (*kanji*) since there was no written form of Japanese. Educated people could, after some time, use Chinese very fluently not only for reading and writing, but also for listening and speaking. Among lower status people, in contrast, most were not interested in speaking or listening to Chinese. Their interests were focused on just reading and writing. Particularly, translation of written texts from Chinese into Japanese became quite significant for their lives. This translation from Chinese into Japanese is similar to the translation from Latin and ancient Greek to English in the Renaissance period in Europe, except that, in addition, the Chinese characters (*kanji*) could be used to write Japanese. This was an influential period in foreign language learning and study in Japan.

Translation from other languages (Dutch, Spanish, English, French, German, etc.) developed in the *Meiji* Era (1868-1912) when some people became interested in

acquiring these languages. At first, Western teachers gave lectures in order to help Japanese students understand Western modernization. The instructors were mainly limited to their own languages. Later, after adopting ideas from Western civilization and culture through Western languages, every technical term and academic word was translated into Japanese. Hino (1993) states that, when Japanese people try to translate Western languages into Japanese, they use Chinese characters (*kanji*) to represent the key Japanese words. The use of *kanji* in translation was also applied to the adoption of foreign legal terms in the *Meiji* Era (see Section 4.3).

The purpose of foreign language teaching in those days, was to learn about Western culture as quickly as possible. Learning the language was only a means to an end. Ultimately the aim was to translate the ideas into Japanese. Most of the Japanese did not think that communication with foreigners was necessary. In addition, they did not have a chance to communicate verbally anyway. This led to the idea that English language teaching should focus only on reading, in particular, reading via translation. I will now discuss some writers' views of the translation method in English language teaching in Japan.

Most university entrance examinations in Japan even today concentrate on reading through translation. Because it is so different from grammar-translation methods in Europe, this section presents a detailed discussion of the *Yakudoku* (the grammar-translation) *Method* in Japan.

Hino (1988:15) states the following:

The mainstream of the teaching of English in Japan is by "yakudoku" (the Grammar-Translation Method).

Hino's view that *Yakudoku* is the major influence on the entrance examinations is reinforced by the following data which shows the answers to questions which were asked to high school teachers and university teachers in a 1993 survey conducted by JACET:

NOTE: Most of the English language teachers use Japanese in high school lessons.

Table 2.2: Focused in high school ELT
Q.15: (to a high school English language teacher)
"What area do you focus on in the English lesson?"

Respondents	1,412
1. Understanding Grammar	198 (14.0%)
2. Translation from English into Japanese	780 (88.1%)
3. Understanding the content	754 (53.4%)
4. Translation from Japanese into English	112 (53.4%)
5. Listening and speaking	39 (1.8%)
6. Writing	13 (0.9%)
7. Others	401 (28.4%)
Answers	1,517

(JACET, 1993:124)

Table 2.3: Methods of reading lessons at university ELT

Respondents	957
1. Intensive reading through analysis of grammar and structure	259 (26.2%)
2. Intensive reading through translation (<i>Yakudoku</i>)	447 (45.3%)
3. Understanding through rapid reading	115 (11.7%)
4. Explaining content of the passage, and asking some questions	77 (7.8%)
5. Others	115 (11.7%)
Answers	1,517

(JACET, 1993:136)

According to the above data, the most favoured method was *Yakudoku* and the second choice was a similar method also focusing on the linguistic aspects of texts.

In the same survey, the following question was given to students:

Table 2.4: Methods of reading lessons at high school
Q.20: (to a university student)
"What area of reading was focused on during high school days?"

Respondents	10,332
1. Understanding the content	932 (9.0%)
2. Translation from English into Japanese (<i>Yakudoku</i>)	5,680 (55.0%)
3. Grammar, structures and vocabulary	2,406 (23.3%)
4. Integrated skills	1,177 (11.4%)
5. Others	84 (0.8%)

(JACET, 1993:148)

About 55% of the university students answered that English language lessons in high school days concentrated on translation (*Yakudoku*) of English into Japanese. Thus, *Yakudoku* is clearly the central method used in English language teaching in Japan.

The nature of the yakudoku method

Yaku is "translation" and *doku* is "reading".

Kawasumi (1975) defines *Yakudoku* as follows;

Yakudoku is defined as a technique or a mental process for reading a foreign language in which the target language sentence is first translated word-by-word, and the resulting translation re-ordered to match Japanese word order as part of the process of reading comprehension.

(quoted from Hino, 1988:46)

A lesson using the *yakudoku* method follows a fairly standard structure. The following example is adapted from Hino's (1988) work. The lessons are considered suitable for beginners:

(Stage 0: Target language sentence)

A teacher writes a sentence on the blackboard.
e.g. Hajime has a nice chair in his room.

Students copy the sentence in their notebooks.

(Stage 1: word-by-word translation)

The students individually make a word-by-word translation (a dictionary may be used at this stage).

e.g. Hajime has a nice
 Hajime motteiru hitotsu-no sutekina

 chair in his room.
 isu naka kare-no heya.

(Stage 2: Translation is re-ordered to match Japanese syntax)

Teacher goes over the word-by-word translation with student participation.

e.g. Hajime kare-no heya hitotsu-no sutekina isu motteiru.

(Stage 3: Re-ordering of Japanese according to good style)

Teacher indicates the appropriate order in a good Japanese style to suit the context of the text being translated.

e.g. Hajime-wa kare-no heya-no naka-ni hitotsu-no sutekina isu-wo motteiru.

It is only at this stage that many students grasp the full meaning of the sentence.

NOTE: 1. This example is usually carried out at the beginning stage of the lessons.
After these stages, students practice some similar exercises.
2. Stage 1 is often done as preparation before the class as homework.

Thus, in brief, Stage 1 handles the lexis, Stage 2 handles the syntax and Stage 3 handles the discourse. According to Ueda (1979):

There are two aspects in *yakudoku*: one is the regressive eye movement resulting from the word-by-word translation. The other is the fact that the meaning is not understood directly in the target language but only via translation.

(quoted from Hino, 1993:46)

A further significant point about this method is that the lessons are conducted in Japanese except for the references to the particular English sentence which is being translated. The *Yakudoku* technique is introduced to students at junior high level and continues to university level. Kakita (1978), Tajima (1978) and Hino (1988) state that in spite of the more desirable type of *Yakudoku* teaching (as outlined above) many teachers only concentrate on the word-by-word stage of translation, correcting the students' translations, and presenting a model translation. That is to say, they fail to explain the syntactic and discoursal contrasts between Japanese and English and just focus on lexis and basic grammar.

Classes on 'reading in English' are often little more than *yakudoku* classes (Matsumoto, 1965; Tazaki, 1978). In short, because Japanese students have been trained to read English via translation, they have come to identify reading as translation. Tazaki (1978) and Hino (1988) state that, once the English is transformed into Japanese, it is considered to be worth reading. The student is not encouraged to read directly in English.

It is certain that the *Yakudoku* method gives students a heavy handicap in their speed of reading, and probably in comprehension itself. Moreover, it is often criticized on the grounds that *Yakudoku* is inevitably insufficient for the mastery of other skills such as listening, speaking and writing, and is unlikely to support them. For example, even in writing, students follow a similar process by first composing a Japanese sentence, translating it into English word-by-word, and then attempting to re-order the words according to English syntax (Matsumoto, 1965; Hino, 1988). Most Japanese students depend on translation. Although, with a good teacher, *Yakudoku* might train good translators, there are significant disadvantages of the *Yakudoku* method for English language teaching. One major disadvantage is that good written English style is not studied.

The following quotation is a part of the book entitled *Eigo Kyoiku* (English Language Education) published as long ago as 1911:

In the teaching of English in our country, students are taught to translate word-by-word, with forward and regressive eye movement. This is a strongly established convention. I think this comes from our traditional method of reading Chinese, in

which Chinese words are re-ordered to match Japanese word order....This is a wrong method which treats Chinese not as a foreign language, but as a kind of Japanese. We should not use this method in studying English....It is a pity that everyone considers this to be only way of reading foreign languages.

In reading Chinese, it is best if you understand the meaning of a text in the original word order. The contents are understood well enough in this way. As a matter of fact, this is the best way to achieve understanding. Likewise, direct reading is the best way of reading English in terms of time, energy, and efficiency.

(Reprinted in Kawasumi & Suzuki, 1978
(quoted from Hino, 1988))

Today, criticisms of Yakudoku are frequently made; nevertheless, it still dominates the main stream of English language teaching in Japan.

Tazaki (1978), Ito (1984) and Hino (1988) offer some reasons why the *yakudoku* method is so persistent in Japan. One reason is that it is easier for English language teachers to use the *yakudoku* as their main method because it is the way they themselves were taught. Namely, there is little professional training for English language teachers except in the *Yakudoku* method, and there is little preparation for classroom activities. The insufficient teacher training systems in Japan oblige teachers to apply this method.

The second reason is due to the entrance examinations which require translation of key passages of text and are often characterized by a concentration on accuracy rather than fluency. In a sense, the *Yakudoku* method seems to be appropriate because the priority of understanding both grammatical and lexical meaning is demanded in the examinations (Sheen, 1992:43)

The third reason is that the *Yakudoku* method has become a part of the Japanese tradition. Consequently, in Japan, the *Yakudoku* method carries with it sociocultural respect and there is resistance to change.

A lot of methods for English language teaching have been introduced by foreign teachers over the past hundred years, but few of them have enjoyed remarkable success (Hino: 1988). According to Tanaka (1987), the following innovative methods have been tried in Japan:

Direct Method
Oral Method,
Oral Approach,
Communicative Approach,
Functional-Notional Syllabus (*sic.*),
Natural Approach,
Humanistic Approach,

Hino (1988) gives his explanation of these methods and suggests that in order to develop listening skills, listening practice could be an effective way to replace the *Yakudoku* habit. Overall though the Ministry of Education wishes to retain *Yakudoku* while adding communicative practice in the classroom. Kasajima (1987) and Sagawa and Furuya (1984) stress that other methods would be more useful in English language teaching in Japan. Nevertheless, it seems difficult for Japanese students and teachers to reduce the influence of the *Yakudoku* method. It may be worthwhile to consider whether the *Yakudoku* method could be applied more effectively and whether it has a place in the teaching of English for Academic Legal Purposes (see Chapter 7).

2.3. English as general knowledge or English for practical use

2.3.1. The debate between Hiraizumi and Watanabe

A very strongly argued debate on English language teaching in Japan took place between 1974 and 1975. In April in 1974, Wataru Hiraizumi, who was a statesman of the Diet, submitted a significant report to the Liberal Democratic Party (to which he belonged). The report referred to the current situation of foreign language education, in particular, English language teaching, and to the preferred developments in the future.

Tanabe (1990:5) summarizes Hiraizumi's criticisms of English language teaching in Japan as follows:

It is a fact that almost all graduates from junior high school to universities cannot read, write or understand the English language which it might be supposed that they have learnt. Of course, their speaking and listening are beyond description.

The reasons for the criticisms are given as:

- (1) lack of motivation for study
- (2) difficulty of the entrance examinations
- (3) ineffectiveness of methods

Hiraizumi (1975) suggests the following improvements to English language teaching in Japan:

- (1) In order to become proficient in English, the students need to spend much more time. It is impossible for students to gain proficiency in the English language during the period of compulsory teaching (aged 13 to 15).
- (2) English language should only be taught at beginners' level in the 1st year of junior high school.

- (3) In high school, English language courses ought to be elective (optional); it is not necessary for all the students to learn English.
- (4) English should be the only foreign language taught during junior high and high school: it is not necessary to teach French, German, Spanish.
- (5) English language courses at high school level should be for those who have chosen this language.
- (6) English should be excluded from the subjects of the university entrance examinations.
- (7) A system of proficiency testing is urgently needed, and the government should give a certificate to the successful applicants.

(quoted from Tanabe, 1990:4)

He also makes suggests that considering the status of Japan in the world, the purpose of English language education should be to train only 5% of all Japanese to acquire practical skills in English. If this were done, about 6 million skilful users of English would exist in Japan. He stresses that English language education should concentrate on selected students and that the aim would be for students to acquire a practical command of the language.

Professor Watanabe (1975), however, criticized this proposal. His main criticisms of Hiraizumi are as follows:

- (1) Teachers should be confident about their teaching of translation (*yakudoku*), composition and grammar, because it is quite difficult for them to judge a student's potential ability in English language during the school days.
- (2) English for practical use should be taught out of school.

(quoted from Tanabe, 1990:8)

Watanabe (1975) insists that it is not necessary for teachers to teach practical English as part of school education. He claims that students who have a good foundation in translation, composition and grammar will be able to master the speaking skill after six months in the UK or the USA. He argues that at school English should be taught as "background knowledge".

There are interesting points revealed by the differing positions of Hiraizumi and Watanabe. Takashima (1992:11) points out that the starting point of both ideas seems the same: that there is little possibility of using English in daily life in Japan. Most of the Japanese who are born in Japan, study in Japan, work in Japan, and live in Japan, and do not need to write, read or speak English at all. In short, English is not necessary for most Japanese. Therefore, Hiraizumi (1975) states that the teaching of English should be concentrated on a few willing students. In contrast, Watanabe's (1975) argument is that all students should have the chance to get a basic grounding in translation, composition and grammar.

2.3.2. The debate's influences on English language teaching in Japanese universities

Of course, most teachers in junior high and university supported Watanabe's idea because they needed to protect their professional fields. Nevertheless, it is a fact that they were frightened by the potential threat toward themselves because Hiraizumi's idea seemed quite reasonable.

More recently, Koike (1994:39) has stated that a third opinion - a compromise - has emerged: equal value should be given to both "English for practical use" and "English as general knowledge". Tajima (1993:24) states that it is not possible to make a clear distinction between English for general knowledge and English for practical use. He introduces the following ideas:

The purposes of English language learning are (1) intellectual training, (2) developing general knowledge, (3) understanding foreign cultures, (4) collecting information, (5) understanding internationalization, (6) communication. (1) and (2) are based on the idea of English for general knowledge, on the other hand, (3) to (6) seem to be based on English for practical use. The former are still significant, but, the latter ought to be required for most students.

Nevertheless, for twenty years the Ministry of Education has basically adopted Watanabe's idea of English as 'background knowledge'. However, according to the New Curriculum Guides (*Guidelines to Study in the Junior High School: Foreign Languages* and *Guidelines to Study in the Senior High School: Foreign Languages* published by the Ministry of Education, Science and Culture (1989 a and b), much more practical aspects of English language learning are to be emphasized in junior high and high school education. Thus, some parts of Hiraizumi's ideas are gradually being adopted.

About twenty years have passed since Hiraizumi criticized English language teaching in Japan. Hirano (cited in Otagaki, 1991) confesses that the realistic situation of English language teaching in Universities is quite worrying. Some specialized subject teachers in Law, Economics and so on, have also criticized the state of English language education. It is apparent that they have a negative attitude to ELT in universities. They make statements such as "Those English language lessons for general knowledge should be abolished as soon as possible". In addition, according to Matsuyama (1993: 50), whenever these kinds of criticisms arise, some teachers of English language declare that "English for general knowledge is essential

for university students," or others hide themselves until these typhoons pass over. None the less, the time has come for English language teachers in universities to reconsider their positions.

2.3.3. *The concrete objectives of English language teaching in universities*

The Revised Standards for College and University Education in July 1991 has accelerated revision of the curriculum at each institution. JACET (1992:6) introduces its main thrust;

Foreign languages should be given their own place and their own value in higher education. Foreign language education should include the function of international understanding, the function of fundamental parts of specialized education, and the function of the highest stage after secondary education.

(JACET, 1992:6)

This revision requests that English language teachers who have been attached to specialist faculties or departments should reconsider their own teaching. Many have been teaching Shakespeare, D.H. Lawrence or similar subjects even in departments of Law. The backbone of their arguments is that such lectures give students a broad view of world literature. Since this literature is often taught through Japanese, the target language skills are not considered at all.

Koike (1993:23) analyses the data of JACET concerning the objectives of English language teaching in Japanese universities as follows:

Table 2.5: Objectives of ELT in a university
Q.20: "What should be the objectives of ELT in your university?"

	ELT(*1)	SS(*2)	GS(*3)
Respondents	1,000	1,375	2,307
1. Communication	470 (47.0%)	790 (60.1%)	1,806 (78.3%)
2. General knowledge	519 (51.9%)	531 (40.4%)	378 (16.2%)
3. Understanding of international culture	179 (17.9%)	383 (29.1%)	771 (33.4%)
4. Preparation stage for the specific subject field	362 (36.2%)	147 (11.2%)	429 (18.6%)

(JACET, 1993:148)

(*1: ELT = English language teachers)
(*2: SS = Students)
(*3: GS = Graduates)

Koike's (1993:23) data suggests that most English language teachers still favour English for general knowledge. On the other hand, students and graduates wish to learn to communicate and 36.2% of teachers believe that work relating to the subject field is significant. Ohba (1994:122) makes a positive statement that English language teaching at university level should concentrate on helping students acquire the ability to read books or journals in the specialized field.

Koike (1979:147) points out that the objectives of English language teaching should be (1) to develop abilities in the language of specialized field, (2) to acquire general knowledge and, as human beings, to develop an ability for analysing, judging and synthesizing. Koike (1993:21) also suggests that university should apply the objectives of junior high school:

To develop student's basic ability to understand a foreign language and express themselves in it, to foster a positive attitude toward communication, and to deepen interest in language and culture, cultivating basic international understanding.
(The Ministry of Education, 1994:98)

Koike (1993:21) adds "English for specific purposes" to the above. There seems to be little difference between Koike's 1979 and 1993 ideas for the objectives of English language teaching in Japanese universities.

Koike (1979), Tajima (1993) and Ohba (1994) suggest that, after fixing the objectives, concrete targets needs to be agreed because there has been a lack of consciousness of objectives and targets for each skill in university education. Koike (1979) repeatedly and correctly comments that university English language education has had a vague identity. More concrete objectives and targets (in fact, syllabuses) should be prepared as soon as possible. Tanabe (1990:230) emphasizes that there is a need for more thorough discussion concerning the level of English that can be acquired, what kinds of English students want to know, and what role English should play in the university curriculum.

2.3.4. Targets for language skills

As is repeatedly noted, no complete syllabuses even at faculty or department level have ever existed. Consequently, each English language course exists as an independent unit; in addition, the objectives for each class depend on each teacher's opinion since they are drawn up by individual teachers.

Some academics have, however, suggested targets, syllabuses and standards. In this section, these suggestions will be summarized.

(A) Listening Skill

Morito (1986:133) suggests the following standards for listening skills from beginners to university level:

Level	Entra (*1)	Beginner	Inter (*2)	Upper	Supra (*3)
vocabulary	500	1.050	3,000	5,000	6,000
reading speed/m	140	150	160	170	180
grammar	verb	verb tense	modifier subjunctive partiple	article tense	modifier tense construction
length of sentence	within 10 words	15 words	20 words	20 words	20 words
contents	conversation	conversation brief explanation easy books	news lecture drama	news lecture movie drama	English for specialized field movie

(Morito, 1986:133)

NOTE:*1: Entra: entrance
*2: Inter: intermediate
*3: Supra: supra upper

There are some advantages in establishing graded standards and Morito's graded target standard table does, at least, attempt something concrete, but some criticisms of the details could be made. A major question is whether or not 'standards' are best expressed in such formal terms. Should we consider the introduction of functional standards (for example, "Students should be able to give direction to a place in town",) or standards concerning language 'usage'? A further question is whether research can be done to establish whether the objectives are realistic. Other questions arise; for example, "How can we define the vocabulary at each level? What kind of words are appropriate? Why should 'verbs' be taught at the entrance level, but 'tense' not until the beginner level? What about all the other aspects of English grammar? How can the teaching of 'articles' be withheld until the upper level?"

At junior high and high school level, the targets for vocabulary and grammar are already defined by the Ministry of Education. Even though these targets may not be the most appropriate, the principle of trying to establish targets is worth supporting.

It is certain that the formulation of targets in the form of up to date syllabuses should be developed quickly.

Tajima (1993:30) recommends concrete targets for listening skills as follows:
(For reference to both Proficiency Tests, see Appendix 2.2 and 2.3.)

(Speech)

- 1. lowest level : can listen to and understand 90% to 100% of 2nd level of Proficiency Test
- 2. lower level : can listen to and understand 80% to 90% of *Moderately Slow Speech
- 3. higher level : can listen to and understand 80% to 90% of the Lower 1st level of Proficiency Test
- 4. highest level: can listen to and understand university lectures in English

(Broadcast)

- 1. lowest level : can listen to and understand 90% to 100% of *English Conversation 1* on NHK television (*1)
- 2. lower level : can listen to and understand 80% to 90% of *English Conversation 2* on NHK television (*2)
- 3. higher level : can listen to and understand 80% to 90% of Special English on VOA
- 4. highest level: can listen to and understand 70% to 80% of programmes of BBC

(*1: This course is broadcasted twice a week for 30 minutes for beginners' level.)

(*2: This course is broadcasted twice a week for 30 minutes for intermediate level.)

Note: Standard Speech Rates of native Speakers;

- Fast = above 220 wpm
- Moderately Fast = 180 to 220 wpm
- Average = 160 to 190 wpm
- Moderately Slow = 130 to 160 wpm
- Slow = below 130 wpm

(Pimslem, et al., 1977:31)

These targets seems to be ambitious, in particular, at lower levels, as it is difficult for university students to perform these targets at present. In addition, the measures for estimating or evaluating 80% or 90% need to be considered. Namely, these targets are set at a theoretical level and although the idea should be taken seriously, in practice, however, it seems to be quite difficult to put such a scheme into operation. How would the students be tested?

(B) Speaking Skill

Tajima (1993:30) identifies targets for the speaking skill in much more functional terms:

- 1. can give comments after reading easy essays
- 2. can discuss issues after reading some journal articles
- 3. can make a presentation of his own ideas, and can discuss it
- 4. can communicate in regard to everyday matters

Concerning the speaking skill, the third point is really necessary at university level. In particular, the content of specialized fields has to be recognized and students should be able to make presentations in English related to issues in their fields.

(C) Reading Skill

Tajima (1993:30) also suggests functional targets for reading skills:

- 1. can read plain novels without using an English-Japanese dictionary
- 2. can read newspapers and non-specialized magazines
- 3. can read academic books in preparation for specialized study
- 4. can read critically

Tajima's (1993) grading seems to be based on the present situation. However, what is important for students is not only what kind of books to read but also how to read these books. In short, more concrete suggestions are necessary, for example, "What level of novels is appropriate?", "What types of newspaper?", and so on. For the majority of students, these targets are not realistic at the present time.

Koike (1979), Tajima (1993) and Takanashi (1994) note that reading speed should be included in targets. Tajima (1993) suggests that the appropriate reading speed at university level would be at least from 100 to 150 words per minute.

Takanashi (1994:32) displays two examples of reading speed as follows:

(Example 1)

Reading speed of native speakers
 Slow / study : 50 to 250 wpm
 Average normal : 250 to 350 wpm
 Rapid reading : 350 to 800 wpm
 ((quoted from Takanashi and Takahashi (1987: 101))

(Example 2)

The target of reading speed for Japanese students
 junior high school : 100 wpm
 high school : 150 wpm
 university : 200 wpm
 ((quoted from Ogawa (1963))

(Example 3)

The statistical data of reading speed of Japanese students
 2nd year students of junior high school : 74 to 80 wpm
 ((quoted from Takanashi and Takahashi, (1987:91))
 Reading Speed expected in national-wide university entrance examination in 1984 : 30 wpm
 ((quoted from Takanashi and Takahashi (1987:93))

Reading speed however, is only meaningful when related to the type and level of text. In some English language lessons in Japanese universities, only 5 to 10 lines are read

in one lesson (90 minutes), which clearly introduces low expectations and poor reading habits. In general, reading speed should depend on what the reader is reading and the reasons for reading it.

Concerning vocabulary learning, Shiozawa (1978:37) states that a vocabulary of the most frequent 3,000 words would enable students to understand 80% to 90% of ordinary English textbooks. According to Tanabe (1978:46), 2,950 words (the language elements which were selected for high school level), covers 95% of English everyday words. Tajima (1993:32) concludes that in general, a mastery of about 3,000 words should be aimed at. After that students should acquire much more specialized vocabulary. The present study takes up these issues in Chapter 5 and compares the vocabulary required to understand legal textbooks with the general 3,000 words level.

The Ministry of Education, Science and Culture (1989b) indicates the number of words to be taught in school as follows:

junior high school	: up to	1,000 words
high school [English 1]	: up to	500 words
high school [English 2]	: up to	500 words
high school [Reading]	: up to	900 words
Total	: up to	2,900 words

(quoted from Takanashi, 1994:30)

It is thought that most applicants for university entrance examinations should know about 3,000 words. According to Thorndike and Lodge (1938), if they know 3,000 words, students can comprehend 97% of words in running text:

100 word :
58.83%
200 word :
82.05%
1,000 word :
89.01%
2,000 word :
95.38%
3,000 word :
97.66%
4,000 word :
98.73%
5,000 word :
99.20%
6,000 word :
99.46%

(quoted from Takanashi, 1994:38)

Nevertheless, it is doubtful if students in Japan can accurately and fluently use these 3,000 words which cover 97% of words in some types of text. In addition,

Thorndike's sample itself is only one of the samples of the whole of English language. To some extent, lexis is related to the kind of genre and field students may read. Students reading in law, for example, may have different lexical needs from these reading newspapers, literature or science (but see Chapter 5 for further consideration of legal lexis).

Takanashi (1994) reports the result of a survey on how many words are required for the university entrance examinations. He states that the specified 2,900 words can cover 74% of the text in the National University Entrance Examination, but only 54% of the TOEFL examinations. This indicates problems with Tanabe's (1978) comment (referred to above) that these words will enable students to understand 80% to 90% of the text. The following list gives the results of four vocabulary analyses of a number of different types of lexical items in a selection of university entrance examinations:

Obunsha (1991)	: 6,307 words
Kajiki and Yamaguchi (1992)	: 6,800 words
Zeneiren (1981) (Takanashi, 1994:31)	: 4,800 words

It is certain that the vocabulary -2,900 words- up to high school level is not enough to pass the examinations. The gap between high school and university level must be thoroughly considered. Most high school students cannot acquire the vocabulary needed for university level in high school. Consequently, they often attend "yobiko" (a special coaching school for the university entrance examinations) for one or two years after high school; some high school students go to "yobiko" in the evenings.

(D) The Writing Skill

Little has been written about the writing skill in Japanese universities. Surprisingly, for writing, Tajima (1993:34) suggests the use in universities of the main stream of the *Guidelines to Study in the Senior High School* (1989b). This is assumed that it will be a long time before the *Guidelines* are practised in senior high school. However, in a department of Law, we need to consider further the need of mature students and how the university curriculum should differ from the school curriculum.

Tanabe (1990:263) concludes that English language teachers should concentrate on communication, but we must remember that this communication does

not mean only conversation. The translation method above will not train students in communication skills, and yet even specialized English teachers often do not have any method of teaching except the translation method. English language teachers have to establish a set of methods that will enhance written communicative ability. There is also a strong case made by Tsuda (1991), Suzuki (1973) and Takashima (1992) for developing methods that suit the Japanese context. Attempts in the past to superimpose methods from overseas have generally been a failure not only because of the lack of appropriate training and shortage of materials, but also because of the existing approach to university education. Consequently, English language teachers have to think not only about English for practical use and English for general knowledge, but also how to meet the concrete objectives and targets of each skill in an original Japanese way.

In addition, courses must cover language related to students' needs, particularly in their specialized fields, such as science or law. This is discussed further in the next section.

2.4. English for Specific Purposes in Japanese Universities

According to Morizumi (1994), ESP (English for Specific Purposes) in Japan has long been regarded with a narrow meaning. ESP is normally used to indicate foreign language teaching in companies or private schools. ESP has seldom been taught in ordinary schools, colleges or universities.

2.4.1. Reasons why ESP is not popular in Japan.

(1) The idea of Liberal Arts

In Japanese universities and colleges, up to now, there has been little demand for ESP teaching. This is because college and university English language education is based on liberal arts-oriented education, as has been explained already (see Section 1.3).

Even if the situation of English language teaching in Japanese universities is changed by the Revised Standards for College and University Education (1991), the

fundamental idea of a philosophy of liberal arts will continue to influence English language teaching in Japan unless some alternative arguments are accepted.

The objectives of foreign language teaching in lower and upper secondary school are basically the same:

To develop student's basic abilities to understand a foreign language and express themselves in it, to foster a positive attitude toward communication in it, and to design interest in language and culture, cultivating basic international understanding.
(the Ministry of Education, 1994:98)

Morizumi (1994) stresses that the aims of teaching English should be educational and practical. In short, the intellectual training which learning English provides should not be included at the expense of the practical language use. But he too (1994) states that the teaching of English language is not an end itself. It should serve cultural and humane aspirations to train students' characters and contribute to better international understanding and the establishment of peaceful co-operation between peoples.

(2) Statistical data on ESP

(A) Textbooks for ESP

According to Morizumi (1994), the number of textbooks for college and universities English teaching in 1993, is estimated to be approximately 4,000, but there are fewer than 50 books for ESP (fewer than 2%). The majority of the 50 textbooks are on "business English".

Even in vocational high schools (aged 16-18) and in technical colleges (aged 16-20), there are no ESP textbooks which are authorized by the Ministry of Education.

(B) Staff for ESP

At present in Japan, there are few ESP specialists in colleges and universities. There are a few ESP specialists who have specialized in non-language subjects in their college days or had practical experience in a company or an institute, but even these teachers are not, usually, teaching ESP. JACET (1993:133) gives the specializations of English language teachers in Japanese colleges and universities:

Table 2.7: Specialized field of English teachers
Q. 8: "What is your specialized field?"

Respondents	1,009
1. English and American Literature	493(48.98%)
2. English Linguistics, Linguistics	373 (27.0%)
3. English Language Teaching	210 (20.8%)
4. Comparative Literature and Culture	36 (3.6%)
5. Others	71 (7.0%)
Answers	1,183

48.9% of English language teachers have specialized in English and American literature, and 27.0% of them in linguistics. Only 28.9% of the English teachers have majored in ELT. According to the membership list in 1995 of JACET: (the largest association of English language teaching in Japan), there are few specialists in ESP among more than 2,300 members.

(C) Poor teaching conditions

The conditions for English language teaching in Japanese universities are sometimes less than ideal:

One problem is that the average class-size in Japan is about 45. The second is that each class has only 2 lessons (1 lesson: 90 minutes) a week. According to the Revised Standards for College and University Education (1991), improvements are expected, but we cannot see any prospect change in the near future in this respect.

2.4.2. Has ESP a future in Japan?

There is a small but significant movement which is promoting ESP in Japan. Morizumi (1991), Koike (1993) and Matsuyama (1993) all argue that, if English language teaching in Japanese universities is to succeed, more ESP courses must be introduced. The survey that is part of the current research also indicates a demand for ESP (see Chapter 6).

Nevertheless, there is also opposition to ESP at university level. Tajima (1993), for example, argues that ESP is not appropriate for Japanese university education because it is unnecessary for students to read topics relating to their specific fields. The students should read a broad variety of topics as a part of 'general education' (in the Japanese sense). It is doubtful whether Tajima's (1993) negative view can be approved without more evidence of success in the present programmes of study.

These debates on the English courses related to specific fields started with the publication of *The Revised Standards for College and University Education* in 1991. There is no unanimous opinion about whether ESP is appropriate for English language teaching in Japanese universities at the present time, although this thesis argues that there is a significant place for ESP in a Department of Law, at least.

Since suitable teachers would need to be identified or trained for an ESP programme, the next chapter takes up the issue of the professional requirements for ESP teachers by reviewing the literature on this topic.

Chapter 3.

English Teacher's Specialisms

If ESP courses in the universities are to be successful, the English language teachers' professionalism is crucial. This raises the question of whether it is necessary for English language teachers to have some knowledge of the students' subjects? Is it possible? How and what should English language teachers teach in a Department of Law? In this chapter, I will discuss some ideas on such questions written by ESP specialists. I begin with a discussion of what the ESP teacher needs to know about the special subject. I then discuss the need for co-operation between English teachers and subject teachers and follow this with some ideas on materials and methods. Finally, I summarize suggestions for approaches to EALP courses.

3.1. Teacher's specialisms and ESP

3.1.1. Teacher's knowledge of the disciplines

As long ago as 1971, in the context of second language teaching in Africa, Strevens suggested that changes were required in the type of training that English teachers had. As is the case in Japan at the present time, many English teachers were trained in literature. In *Alternatives to Daffodils*, he claimed that this led to teaching which was 'informed by the values and symbols of literature' rather than language teaching related to the needs of students to learn other subjects, such as science, through English. The syllabuses and examinations also concerned literary and pre-literary training, and Strevens argued for a re-focus to language teaching with the emphasis on the non-literary teacher.

Not all discussions in EAP and ESP are so aware of the problems. Jewel (1991) reports on "The Warwick University Pre-Sessional Course". In the article, Jewel attempts to describe the aims of and atmosphere of the pre-sessional course. The Warwick pre-sessional caters for undergraduate and postgraduate students from a great variety of countries and backgrounds, with varied levels of proficiency in English. In 1991, there were more than 100 students from at least 39 countries. Jewel

(1991:36) gives a detailed description of the structure of the course and the materials available, but does not discuss the roles of the language teachers in relation to the subject specialisms of the students even though the course includes subject related reading and writing. The selection of subject-related materials can cause difficulty because some language teachers are not confident in selecting materials. A language teacher may, for example, use a textbook which is inappropriate in terms of the students' knowledge of law. Organizers should consult with subject teachers on what kinds of reading materials might be helpful at this stage of the pre-session course.

White (1981) considers how much the EFL teacher involved in specific English teaching needs to know about the specialist subject of his students.

According to White (1981:9), there are four common views on this question:

- (i) To ignore the student's specialism altogether is, to a greater or lesser degree, to 'fail' the student.
- (ii) A teacher feels more confident if he has some experience of the specialism.
- (iii) It is dangerous for teachers to allow themselves to be drawn into areas which we are not competent to deal with. If this happens, we are liable to lose sight of our primary function of language teaching.
- (iv) A lack of understanding of the specialist subject is reflected in the teacher's handling of the language. This can make learning more difficult.

In order to investigate these points, White (1981:9) compares the different approaches of a solicitor and an EFL teacher to the reading of a passage concerning the law. The passage chosen concerned a case related to *the Sale of Goods Act*.

Passage I

COMMERCIAL LAW

Sale of Goods

Future goods. Whether contract frustrated. Sale of Goods Act 1893, ss. 6 and 7. - In *Sainsbury v. Street* (August 1972) by a contract made partly in writing and partly orally the sellers agreed to sell to the buyers 275 tons of feed barley to be grown by the sellers on their farm. The sellers in fact harvested only 140 tons which they sold to a third party. The buyers conceded that the crop which they did not harvest could not be supplied, but claimed damages for the sellers' failure to deliver the 140 tons. Mackenna J. held that it was an implied condition of the contract the sellers should be liable to damages if they failed to deliver the entire 275 tons, but there was no implied condition excusing them from failure to deliver the 140 tons already harvested and accordingly they were liable. The case of *Hawell v. Coupland* was distinguishable because the seller in that case delivered the crop already harvested and was merely discharged from liability for failure to deliver the balance. Nor did sections 6 and 7 of the 1893 Act cover this case since that was concerned with existing goods, nor with a crop not yet grown. Accordingly the case turned on the

According to White (1981:12), an EFL teacher asked his students 5 questions:

- (a) What was the original contract?
- (b) What was the dispute about?
- (c) What was the judge's finding in the case?
- (d) In what way was the case different from *Howell v. Coupland*?
- (e) What was deemed unreasonable behaviour on the part of the sellers?

The questions concern the factual comprehension of the passage (its propositional meaning.) White (1981:12) states that the solicitor wondered if these questions were appropriate for the following reasons:

- (i) The questions represented a 'memory test', and require the student to reproduce the facts and nothing more. A law student would not usually be questioned in this way.
- (ii) Question (b) in Passage I would be interpreted by a lawyer as meaning "What was the legal point at dispute?"

White (1981:12) suggests that the English language teacher should ask himself the following questions:

- (1) Am I providing the student with the useful language practice?
- (2) Is my own use of language appropriate?
- (3) Do I know the correct answer to my questions?

White fails himself to address the question of why the English teachers choose to ask factual questions in the meaning of the text. It may be that the teacher simply sees this a preparatory stage in a learning process.

White (1981:12) discusses the solicitor's approach toward *Passage I*. First of all, the solicitor warned that this type of question might be dangerous for law students to answer because a passage of this type should not be viewed in isolation. In the study of Law, students are asked questions after reading a large body of related information. Hence, the solicitor suggested that the only question that could be asked about *Passage I* is:

What did that case decide? or,

What is the ratio decidendi?

White (1981:13) also discusses the English teacher's and the students' attitudes to the questions. Whereas the teacher is wondering whether the students understand, the students might be wondering what type of answer the teacher *expects*.

White (1981:14) suggests that the language teachers would play their roles more effectively if they set about devising activities which would prepare the students for future studies and helped the students to understand the nature of their questions by explaining whether they were testing linguistic comprehension or legal understanding. White's further suggestion that language teachers should familiarize the student with the language of the specialism seems very sound. Otherwise the whole purpose of ESP teaching is likely to be a waste of time. But how much knowledge of the special field is necessary?

Robinson, B. (1981) considers how much 'science' the English for Science and Technology (EST) teacher is, or should be, contracting to learn. He (1981:32) notes three levels of EST teaching (1) at the pre-university level, (2) at the technician level, (3) at the postgraduate level, and suggests that for the pre-university level ST (Science and Technology) student and the student technician, the EST teacher will need a grasp of sub-O level concepts (surely no great imposition for a postgraduate teacher): the models of thought of science he has to some extent already, as they differ only in degree, not quality, from those of other Western academic disciplines of which applied linguistics is one.

For the postgraduate level, however, he (1981) believes that this level would not be sufficient because the EST teacher cannot deal with the conceptual content of EST required by postgraduates. Robinson, B. (1981) argues, however, at a postgraduate level, the EST teacher can help students to structure his texts, to find new methods of extracting useful information from reading because the student still often has problems in the area of *study skills*. Thus, the EST teacher is seen as someone who can give students certain base-line skills. Additionally, by use of linguistic analysis of science discourse and the study skills which are involved within a socio-cultural matrix, the EST teacher can help the student to overcome problems which the subject teacher cannot cope with.

Greenall (1981) argues that the aim of EST should be considered. In short, if students are learning English in order to learn science, it is necessary for all the EST

teachers to obtain a certain amount of scientific training. Otherwise the EST teacher is not qualified to teach EST. He warns that it is dangerous for the EST teacher and course designer to choose inappropriate language skills as his objectives, the temptation being, fundamentally, to choose what he himself understands. He also states that the question of authenticity is too complex for the EST teacher. Hence, the only way round the problem of authenticity is to have an intuitive feel for what is appropriate for scientists. As Strevens claimed, this is not possessed by the EST teacher who has a literary background.

Hutchinson and Waters (1987:161) address three related questions:

- a) Does the content of ESP materials need to be highly specialised?
- b) Why do so many ESP teachers find it difficult to comprehend ESP subject matter?
- c) What kind of knowledge is required of the ESP teacher?

Regarding (a), they state that there is little difference between the linguistic knowledge needed to comprehend the specialist text and the knowledge needed to comprehend a general text. In short, the difference in comprehension seems to lie in the knowledge of the subject, not knowledge of the language. They quote Hullen's (1981) idea of the difference as follows:

it is not the usage of technical terms *per se* which distinguishes language for specific purposes from general language, but the factual knowledge necessary for understanding these words.

In order to make students more motivated, ESP teachers of science and technology students may use highly specialised texts. The language seems more relevant because the content is relevant. But Hutchinson and Waters (1987) seem to doubt the validity of learners' judgement and say that learners can be 'very fickle'. Therefore, they suggest that texts should be selected as elements in a learning process, and argue that if teachers cannot cope with highly specialised texts effectively, such texts should not be used. In consequence, because the teacher's competence must be a significant ingredient in the teaching/learning process, that competence can influence the choice of texts.

Concerning (b): Why do so many ESP teachers find it difficult to comprehend ESP subject matter? Hutchinson and Waters (1987) consider the following reasons:

- (1) English teachers have often received little education in Science.
- (2) Many ESP teachers do not like to teach the new things.

(3) There is very little advanced teacher training for ESP teachers.

In order to overcome these problems, Hutchinson and Waters (1987:163) suggest that any approach to ESP teacher training should concentrate on dispelling the fears and hostility which many ESP teachers feel towards ESP subject matter. They state that it is essential for ESP teachers to realize that specialist subject areas are not difficult to understand. They ask what kind of knowledge is required of the ESP teacher, and conclude that ESP teachers do not need to learn the specialist subjects. ESP teachers require only the following qualities which are given by Hutchinson and Waters (1987:163):

- (1) a positive attitude towards the ESP content;
- (2) a knowledge of the fundamental principles of the subject area;
- (3) an awareness of how much they probably already know.

In short, they (1987) suggest that an ESP teacher should become an interested learner of the subject 'matter', not the subject 'teacher'. Although Hutchinson and Waters (1987) admit that an ESP teacher must know something about the subject matter of the ESP materials, they state that the ESP teacher does not have to learn highly specialised matter. Unfortunately, Hutchinson and Waters (1987) never state what the basic knowledge of the subject is. In short, *to what extent* does an ESP teacher need to know the subject matter of the field? However, Hutchinson and Waters (1987) claim that the results of language analyses are apparently less significant than others have claimed in considering ESP lessons.

Hutchinson and Waters are mainly concerned with teaching on so-called 'wide-angled' courses by, for example, McDonough (1988). A wide-angled course is one that is designed for a group of students from more than one subject specialism. In EAP, this type of course was said to deal with the 'common-core' of EAP by Coffey (1984). A narrow-angled course is one designed for subject specialists (for example, English for law students) and is similar to Coffey's (1984) 'subject-specific' course.

When learners on wide-angled courses demand subject-specific texts, Hutchinson and Waters (1987) suggest

- (1) Try and establish grouping along subject lines.
- (2) Avoid highly specific materials and try to give everyone's specialism some chance.

- (3) Look for topics which give access to many different specialist.
- (4) Make learners aware of the lack of speciality of their needs.
- (5) If classes are entertaining, students are far less likely to complain.

Thus, Hutchinson and Waters (1987) suggest that the ESP teacher should negotiate a compromise.

Although Hutchinson and Waters' suggestions may be practical, they avoid the theoretical issue of whether the language is significantly different in each subject-specific area. One of the most important things in considering ESP materials is to apply the 'results of language analysis' to ESP lessons (Bloor and Bloor 1986). The evidence from the present studies of legal texts (see Section 5.2) indicates that legal English has many distinctive features. It is essential for legal English education to utilise the results of legal discourse analysis effectively. Concerning this point, Harris (1992) agrees that discourse studies should be applied to special language teaching. Strevens (1988) states that ESP teachers need to exercise professionalism based on training and experience. According to him (1988:40), learners expect three things from an ESP course:

- (1) cultural-educational guidance
- (2) personal and individual help
- (3) academic/occupational focus

Strevens (1988:41) gives examples of possible ESP courses and suggests that where students have some knowledge of the special field it is difficult for most ESP teachers to fill the gap between the learner's knowledge of the special subject and their own ignorance of it. He (1988:43) recommends the following three techniques: becoming familiar with the ESP course materials, becoming familiar with the language of the subject, and allowing students to *put you right!* He suggests that materials should be written in a collaboration between a language teacher and a subject specialist, and he states that the educated layman can become familiar with the language of any subject if the layman has interest in the language. It is 'not' necessary to be interested in the subject itself. He suggests that the teacher can help the students with their mistakes in the language, for example, in grammar.

According to Stevens (1988), one of the most important requirements for an ESP teacher is to accept a professional challenge, the challenge of team teaching. He claims that the basic teaching activities are the same in ESP as in ELT. For example (1988:44):

- (1) Shaping the input
- (2) Encouraging the learner to learn
- (3) Managing the learning the strategies
- (4) Promoting practice and use

Stevens' suggestion is helpful for English language teachers in Japanese universities because he agrees that their professionalism as language teachers is of great importance.

3.1.2. Co-operation between English language teachers and subject teachers

It goes without saying, that it is not possible for all ESP teachers to have a detailed knowledge of a specific subject. Therefore, as an alternative, "team-teaching" is advocated by some ESP teachers.

Johns and Dudley-Evans (1988) report on successful experiments with team-teaching in three departments (1978/9) in the University of Birmingham. As a background to their experiment, they (1988:140) maintain:

an overseas student's failure to keep pace with his course or with his research is rarely attribute to 'knowledge of the subject' or 'knowledge of the language' alone; most often these factors are inextricably intertwined. If their work is separate, it is difficult for the subject teacher, and even more so for the language teacher, to take account of that intertwining. In the triangle of which three angles are the student, the subject teacher, and the language teacher, each needs a certain type of assistance and feedback.

Johns and Dudley-Evans (1988) discuss the needs of the student, the subject teacher and the language teacher, and explain that although they are different they are complementary.

They (1988) also warn against the use of texts which are written for the subject-specific language classes by some language teachers. They argue (1988:142) that, if there is no co-operation between the departments and writers, the following questions will be asked:

- (1) How does the information in the text relate in terms of what is 'given' and 'new' to information already acquired?

(2) How far does it confirm or supplement the student's conceptual framework, or modify that framework?

(3) What use will the student be expected to make of the information or ideas?

The language teacher alone cannot answer such questions.

Johns and Dudley-Evans (1988) focused on two course components: lecture comprehension in the first term, and writing examination answers in the second term. While lectures and writing in English are not important in the Japanese context, reading is important, and the general principle of the co-operation between teachers of Law and teachers of English is relevant. It is still in question, however, whether this kind of team-teaching would be appropriate for English language teaching in Japanese universities.

Wilson (1986) introduces the general principles of the English Language Centre in King Abdulaziz University in Jeddah. Considering the student's motivation, he recommends that teachers must avoid the separation of the linguistic task and the conceptual aspect. In short, lessons must be structured in such a way that the concept develops along with the ability to manipulate and control the language use.

Concerning the role of the language teacher, Wilson (1986:22) states:

the English teacher is required to have a thorough understanding of at least some of the scientific concepts his students are required to master in the college, since he must be able to present tasks involving these concepts with authority and to evaluate (the) student's grasp of scientific concepts in the context of a text.

Of course, at the same time, the language teacher has to be aware of the linguistic aspects of the task so that the language teacher can give appropriate guidance about the student's weak points, such as the problems of syntax, phonology, lexis.

Concerning the co-operation between the subject teacher and the language teacher, he (1986) states that the ideal policy is to recruit staff from both scientific and language teaching backgrounds and to build-up in-service teacher training schemes in the university. This suggestion is probably applicable to Japanese universities and is discussed in Chapter 6. Wilson (1986) suggests four levels of teacher training:

Level 1. At an individual level, the opportunity must be provided for team-teaching and lesson observations.

Level 2. At a department level, seminars, workshops, or informal discussions should occur. Departments should provide materials and tutor handbooks, rationales and background explanations.

Level 3. The principles of classroom application need to be decided. Seminars can be held with language teachers and subject teachers. All the staff can discuss the theoretical and practical aspects of their work.

Level 4. Individual members of staff can develop their own professional skills and feedback with other staff. For example, attendance at international conferences, symposia and advanced training courses are encouraged.

These are interesting proposals, and, in particular, these Levels 1,2 and 3 could be applied to English for Academic Legal Purposes in a Japanese university (see Chapter 7).

Adams-Smith (1980) wonders why, in the English Division of the Faculty of Medicine, Kuwait University, so many English instructors simply stick to what they know in the field of general English or very basic biology even though the students call with growing frustration for materials in medicine and technology. She recommends co-operative teaching between English teachers and medical teachers, but describes the dilemma which, she says, most ESP teachers feel. Teachers may attempt to provide the specialized English that the students want to learn but that they may not feel competent to teach, while at the same time they face the derision of their scientific colleagues who say, 'How can you people teach anything about electron microscopy/virology/heart disease? You'll only mess up the students'.

Adams-Smith's (1980) co-operative approach suggests that an injection of specialist knowledge and a more positive attitude from the subject colleagues are essential. Adams-Smith (1980:77) gives an example from a class for the Electron Microscope Unit (second semester pre-medical) in Kuwait University. The example describes a method that requires the English teacher to get materials for reading, etc., from the Unit and even take the students into the Unit to meet the Director. (See Appendix 3.1). This co-operative approach is an important motivating factor in their learning of English. Regarding the faculty members involved, they build a 'bridge' between the English division and the subject-specific division.

Ivanic (1980) describes subject-language integration of this type at Kingsway-Princeton College in Central London. Ivanic (1980) argues for specific language teaching on the grounds that it can help students master both their subject and academic matter. She (1980) believes that general ability in the language is not easily transferred to specific subject work. Learning the language in the context of the subject can encourage interest and more integrated learning.

In practice, however, there are some problems with such a principle. Language teachers do not always know what the language demands of the subject-specific courses may be. Language teachers do not also know the extent to which the subject teacher may teach the language of their subjects. One of the important task of subject-language integration is to answer such questions.

Ivanic (1981) argues for subject-language integration in academic subjects as part of the development of GCE 'O' level courses. She worked closely with a sociologist, Mike Taylor. They jointly developed a set of assignments for students. The first to third assignments involved different kinds of reading: (1) interpreting figures, (2) reading a book, (3) reading various handouts and chapters from course textbooks. The fourth assignment focused on the specific field of Sociology. Taylor, the Sociologist designed worksheets for the assignments. The purpose of the worksheets was to produce a structure for reading particular texts. The language teacher was concerned with the organisational skills underlining listening, speaking, reading and writing and emphasized the relationship between them. Unfortunately, no examples of the worksheets are given, but in principle, this kind of subject-language integration may be applicable in Japanese university education. In fact, suggestions for providing appropriate materials for such integration can be seen in the final part of this thesis (see 7.1.2: Some Suggestions for New Courses).

Shih (1986) addresses content-based approaches to teaching academic writing in North America, and proposes five principles for ESL international advanced students. Shih (1986:632) explains the characteristics of each approach as follows:

- (1) **Topic-centred "modules" or "minicourses"** (attention to all four language skills).
- (2) Content-based academic writing courses.
- (3) Content-centred English-for-special-purposes (ESP) courses.
- (4) Composition or multiskill English-for-academic-purposes (EAP) tutorials
- (5) **Individual help** with course-related writing at times of need is arranged for matriculated ESL students. This help is usually carried out in writing-across-the-curriculum programs, tutors, and writing centre staff.

Shih (1986) noticed that content-based ESL curricula were still new at the university level in North America. At a practical level, a faculty needs to develop,

evaluate, refine, and share materials and pedagogical strategies for each approach, but research into all experimental approaches is essential.

3.1.3. The principles of materials and methods in ESP

Not all ESP experts recommend team teaching approaches. Hutchinson (1988) addresses the fundamental principles of ESP courses and of the development of ESP materials. According to him, the following nine principles should be considered:

- (1) Learning is development.
- (2) Learning is a thinking process.
- (3) Learning is an active process.
- (4) Learning involves making decisions.
- (5) Learning a language is not just a matter of linguistic knowledge.
- (6) Second language learners are already communicatively competent.
- (7) Learning is an emotional enterprise.
- (8) Learning is not systematic.
- (9) Learning needs should be considered at every stage of the learning process.

There is no mention of subject appropriacy here at all, except perhaps in (9). Among the nine principles, principle (6) is not true in Japan where learners are not second language speakers of English and are not communicatively competent. Principle (7) is also debatable. Hutchinson sees learning as an emotional enterprise, but in Japan, students are hard working and determined to succeed. They do not easily give up studying. However, principle (9) is important for all language learners and Principle (5) seems to be of particular interest. Hutchinson (1988:73) explains the principle (5) as follows.

The second language learner brings to the classroom a complex mass of conceptual and factual knowledge. This presents probably the most fundamental problem of second language teaching and learning - the mismatch between the learners' cognitive/conceptual capacities and their linguistic level.

While the first language learner can develop concepts and language in harmony, the second language learner may be absolutely 'off balance'. Namely, although the second language learner is conceptually and cognitively mature, the learner may be

linguistically an infant. Hutchinson (1988) suggests that the most significant point is that ESP teaching must respect both the conceptual/cognitive and the linguistic levels. However, it is doubtful whether complex legal matters can be expressed with low linguistic levels such as Hutchinson believes.

Seath (1981) examines three different models of course design which could be adopted to meet the specific as well as the general needs of the pre-intermediate student. According to Seath, it is traditionally believed that only students who have a reasonable grounding in the grammar can follow a specialist course. Seath (1981) suggests that the integration of 'general' and 'specialist' English is required even in the lower levels. Seath discusses three models of course design, where the amount of 'general' English in relation to 'specialist' English differs.

Seath (1981) states that some introduction of an ESP component early in a course can be valuable, in particular for the more able students. In addition, even through specialist materials, those who need it can learn the basic grammatical patterns of a language. Seath's (1981:59) prefers a model which allows for a gradual increase in the amount of 'special' English throughout the course until all the time is spent in this work. Seath (1981) explains the advantages of the third model: the pre-intermediate student can learn the basic core of general English reinforced in a component from general competence to specialized needs because the grammar and concepts of the general English component are reinforced in specialist topics and settings.

Johns and Davies (1983) suggest an approach to the classroom use of texts for developing reading skills. According to them, there are two types of approaches to reading in a foreign language: one focuses on a text as a linguistic object (TALO), and the other focuses on a text as a vehicle for information (TAVI). Regarding the choice of method, they state that there are two different types of needs, - one is *deferred purposes* (where the language learned is to be used at some period in the future), and *immediate purposes* (where the language is being learned in a situation where there is an immediate need to use it). In the latter case, which calls for a TAVI approach, students need to read a text in English because they want to know what it says. In the case of Japanese university education, it would be worth while

considering TAVI as one of the main objectives of EALP courses in the Department of Law.

Johns and Davies (1983) characterise the principles underlying the selection of texts for TALO and TAVI. Since their suggestion can be applied to English language teaching in the Department of Law in Japan, the main points will be described. They state that with TALO, the subject matter is of secondary importance, and that of first importance are linguistic features in the text. For TALO, the texts are chosen by language teachers who often have little or no understanding of the students' area of specialization. With TAVI, the texts are chosen to focus on information rather than language and on overall meaning rather than detailed points. The selection of texts depends on suggestions by subject specialists or students themselves. As Wilson (1986) states, there should not be a complete separation of the linguistic task and the conceptual aspect in a foreign language learning.

In the next section, on the basis of these statements on teachers' specialisms, I will introduce ideas for EALP given by EAP specialists.

3.2. English for Academic Legal Purposes (EALP)

Weinman and Wilkinson (1981) attempted to design a functional language course which had a direct connection with a lawyers' training course in Malawi University in Malawi. Law lectures in the university are given in English, and, in Malawi, the language of the courts is English. However, it is difficult for some of the law students to cope with law through English. Therefore, Weinman and Wilkinson (1981:61) identify the needs of the legal English course as training students to perform in the following:

- (1) Interviews with clients
- (2) Letter writing
- (3) Comprehension of judgements (including extraction of the *ratio decidendi*)
- (4) Advocacy (oral work in court)
- (5) Drafting legal documents

They suggest that these elements should be covered in the Legal English Course as a part of law education. Few of the elements are significant for Japanese university

education as English is not used in the courts in Japan. But the principle of legal English instruction is important as will be discussed in Chapter 4. Up to the present, not only in the Law Department but also in the legal society, English has been seldom used in Japan, but there are places where the knowledge of legal English would be useful.

Harris (1992) reviews recent changes in England and discusses some of the implications for English for Academic Legal Purposes (EALP). Harris suggests that a growing additional emphasis on the skills law students will need should be taken into consideration in the legal curriculum. Harris (1992:19) claims that the traditional law curriculum in universities and polytechnics in the United Kingdom was geared to:

vocational requirements, which means that to maximise subject exemptions in professional entry examinations the so-called "core" subjects (e.g. contract, tort, criminal law, and land law) dominate the undergraduate curriculum.

Harris (1992) notes, even though EALP practioners have tended to concentrate on the new range of the wide curricula, there are still problems, particularly, the linguistic and cognitive complexities of legal language. The most significant emphasis in the new curriculum has been on skills-based over knowledge-based education. Everyday practice demands critical thinking and problem-solving., and the new curriculum seeks to make student think 'like a lawyer'. Harris identifies "thinking like a lawyer" as *reading cases, attacking and debating arguments on questions of law, interpreting and applying statutory provisions*. He refers to the *Marre Report* (1988:117. see Appendix 3.3) which notes that many students arriving at vocational schools had:

- (1) insufficient ability to present clear and concise written arguments
- (2) insufficient comprehensive knowledge of the core subjects
- (3) inability to undertake independent legal research and
- (4) lack of ability in oral expression

Harris (1992) suggests that activities which involve interactional and communicative skills should be key elements in EALP education. He states that the most significant need is a rethinking of teacher-student relationships and classroom roles. A stress on student's active involvement should be required. New patterns of classroom interaction should be encouraged

Regarding tasks, Harris (1992) suggests that students should think of them as necessary for their practical affairs. They have to ask questions, diagnose, evaluate evidence, interpret, create, and manipulate rules, negotiate, use and abuse statistics, construct and criticise arguments and so on.

In consequence, Harris (1992) states that it is necessary both for lawyers and language specialists to introduce interaction in their teaching. As a reference for EALP teaching, some of the suggestions of *the Marre Report* are applicable to English language teaching in Japan (see Appendix 3.3).

Crocker (1982) attempted some implementation of new course design in EALP in the University of Jordan. According to Crocker (1982), undergraduate students of law are expected to handle language in legal documentation such as contracts, acts of law, etc., as prospective members of the legal profession. Unfortunately, as Crocker has confessed in the article, his concrete examples are difficult to grasp. However, he suggest that the ESP lessons should be based on an analysis of the learning context and a coherent and firm course structure. He suggests giving consideration to:

- (1) type of learning mode, essentially leading from more familiar recipient of informative/rote memorization activity towards the more open-ended problem-solving tasks;
- (2) the type and dimensions of task and text to be handled (both productively and receptively), e.g. familiarity of topic to learner, density of information, clarity of structuring of information, clarity of "making" of information, predictability, degree of contextual support, degree of delicacy of task, degree of independence required (access to information sources, etc.);
- (3) degree of rigour of criteria for acceptable performance of task (accuracy, appropriacy, etc.);
- (4) skill focus and mix;
- (5) special features of the learning environment which were varyingly exploited, including (e.g.) the degree and type of risk involved in performance, degree of attention paid to language form, degree of student reliance on external authority or internal criteria.

Crocker (1982) suggests that a language teacher needs to be more sensitive to learners' problems. This is more important than being a specialized teacher of legal English.

As we have seen, much of the discussion of course design for EALP deals with large issues rather than details of language. One discussion, however, is interesting at the level of language detail. Leow (1983) discusses a case report that caused

problems for readers. The example is of a court case in which the appellant had discovered the remains of a snail in a partially consumed bottle of ginger beer. In order to comprehend the report on the case, readers needed to understand the meaning of 'decomposed remains of a snail', 'noxious element', 'defect' and 'act of omission' which all refer to the same entity. She (1983) stresses that the significant elements in reading law reports should be for readers to be able to relate lexical items on a scale of more or less specific, and recognise hyponymic relationships.

Addison and Cownie (1992) discuss a variety of issues concerning the teaching of English to overseas law students in the Department of Law at the University of Leicester. In particular, they focus not only on language support but also recruitment responsibility which a course organiser has to face regarding the language teaching staff. Addison and Cownie (1992) embarked on an empirical study designed to investigate how far law schools offer relevant language support for their overseas students. According to them (1992), language skills are so important to the study of law for overseas students that responsible recruitment must always be accompanied by appropriate English-language support.

They (1992) compare the appropriacy of support within the field of English for Academic Purposes (EAP): General EAP courses or subject-specific courses. According to them (1992), general EAP courses focus on academic language through topics of general interest, for example, the environment or feminism. They believe that subject-specific courses are more useful: "Especially in law where the lexis and syntax of legal language cannot be separated from its concepts and discourse" (Howe (1990) quoted from Addison and Cownie (1992:472)).

Addison and Cownie (1992:473) recommend subject-specific language courses rather than general EAP courses. The reasons for this are as follows:

- (1) General academic English courses will not include the use of citators to update cases and statutes.
- (2) General academic English courses will cover general academic reading skills, but since the kind of information that students will need to extract from law reports, statutes, and treaties, for example, is unique to the discipline of the law, students need special skills to deal with these text types.

Addison and Cownie initiated a research project which took the form of a telephone questionnaire during the 1991/1992 academic year to all institutions of

higher education in Britain including law schools. Forty university departments and twenty-five polytechnic departments were included in their survey. The following replies from language teachers are significant in considering the subject-specific support (given by Addison and Cownie (1992:478)):

- (1) We're not happy with the situation at all here we would really like to attach ourselves to a department and do much more subject-specific support, such as law and engineering.
- (2) We're not able to provide specialist English for specific purposes in the first term. The problem is finance... It needs a full-time post.
- (3) We don't turn people away in terms of general classes, but we do re. subject specific.

The authors conclude that, although most institutions had pre-sessional courses and all institutions ran in-session courses as language support, there was little subject-specific support. They state that it is natural that general language teachers who are non-lawyers find it difficult to use legal texts, the legal implications of which are indivisible from the language used to express them. In addition, the dangers for a non-lawyer in attempting to use such materials inappropriately are very great. Hence, a satisfactory language support service will be offered only when there is closer co-operation between law schools and language support units. In order to be relevant, subject-specific courses for law need the support of legal academics.

Conclusion

In this chapter, I have surveyed the work on the role of the ESP teacher and course designer that seems relevant to the Japanese context. In conclusion, I suggest that language teachers should not be afraid to tackle EALP teaching even when they are not confident in the legal subject matter. In Japan, where most Law teachers are not proficient in English, the language teachers' roles in EALP lessons are essential. But language teachers themselves may need more training, particularly in the features of legal English and legal discourse.

In the next chapter, I will introduce some of the descriptive work that linguists and lawyers have done on the language of the law and on legal discourse. Such work could be used to provide language teachers with a knowledge base and background understanding of the types of problems that learners face when they are required to read about the law in English.

Chapter 4.

The Language of the Law

This chapter brings together some descriptive work on legal English written by lawyers, ESP specialists and linguists. The first section describes what has been written about the language of the law in terms of the identification of general 'characteristics of legal English'. This reflects the observers' impressions and knowledge of the origins and use of legal English rather than the actual analysis of the language of specific texts. The second section describes research into legal texts discourse. The third section looks briefly work which compares the use of English with other languages in legal contexts.

The present research involved the collection of examples of legal English , but space restrictions prevent detailed exemplification of legal words and expressions in this chapter. I have, therefore, provided minimal examples, but since such examples are a useful resource for teachers, they are presented in various Appendices referred to in the text.

4.1. Introduction of the Language of the Law

Why is legal English considered 'difficult', both by native speakers and Japanese? Even for native speakers, the language of the law is difficult to understand. Furthermore, for Japanese law students legal English is difficult to learn. In this section, I attempt to summarize what has been written about the language of the law, drawing in particular on the work of Mellinkoff (1963), often considered to be the major scholar in the field, and Hayakawa (1992).

4.1.1. The Chief Characteristics of the Language of the Law

The chief characteristics of the language of the law are described by Mellinkoff (1963:11). In summary, these are:

- (1) Frequent use of common words with uncommon meanings.
- (2) Frequent use of Old English and Middle English words once in common use, not now rare.
- (3) Frequent use of Latin words and phrases.

- (4) Use of Old French and Anglo-Norman words which have not been taken into the general vocabulary.
- (5) Use of terms of art and 'argot' (specialist expressions)
- (6) Frequent use of formal words.
- (7) Deliberate use of words and expressions with flexible meanings.
- (9) An attempt at precision of expression.

Hayakawa (1992:124) provides a brief explanation of Mellinkoff's categorisation (see Appendix 4.1).

However, in this section, I approach the language of the law from a point of view which relates more to pedagogic needs and categorize the language of the law into five types:

- (1) lexical characteristics
- (2) grammatical characteristics
- (3) phraseology
- (4) use of abbreviation
- (5) rhetoric and style

4.1.2. The language of the law: Lexical Characteristics

(1) Special Meanings

Although there are undoubtedly a large number of words in English which are specifically associated with the law and have no general meanings, Mellinkoff (1963:12) points out that there is a large set of words that have common everyday meanings but have a special sense in the legal context. These words may be seen as posing special problems for foreign learners of English. Mellinkoff identifies a partial list of such words (given in full in Appendix 4.2). One such word is **action** which in its common meaning is anything that you do in order to deal with or achieve something. In its legal meaning, an **action** is a legal process in which you ask a court to order someone to stop doing something or to pay compensation for damage they have caused (the Collins Cobuild English Language Dictionary, 1987).

As part of the present research, I examine words with general and special meanings from four legal texts (see Chapter 5).

(2) *Law Latin*

Borrowings from Latin directly (or indirectly through French) is one of the most significant features of the English language of the law. Especially, as a basis for advanced study, Latin has long been recommended for law students although at the undergraduate textbook level this is not such a serious consideration. A list of Law Latin (from Hayakawa, 1992:142-155) can be found in Appendix 4.3.

Legal **maxims** or stock phrases are often written in Latin and students who have not studied Latin need reference books to cope with such phrases. The meanings of the legal maxims have been identified in "The Maxims of Anglo-American Law (*Eibeihō Kotowaza*)" by Moriya (1987). For example,

Cujus est solum, ejus est usque ad coelum et ad inferos.

= Whose is the soil, his it is up to the sky.

Qui facit per alium facit per se.

= He who acts through another acts in person.

Moriya says that these kinds of legal maxims are still often used in court, but they are not likely to be an immediate need of Japanese students. (See Appendix 4.4 for further examples).

(3) *Law French*

English legal terms from French are listed by Pollock and Maitland (1898) (See Appendix 4.5)

Hayakawa (1992:182) states that 95% of legal English words were originally borrowed from Latin or French. He (1992:184) categorises the French-oriented legal English words and exemplifies them (see Appendix 4.6). According to Mellinkoff, the reason for the strong influence of French and Latin on English is historical, since in the eleventh century the English courts were conducted in Norman French (itself strongly influenced by Latin). By the thirteenth century English was largely spoken, but French and Latin were still used in the courts. Two Acts of Law (1362 and 1650) were influential in increasing the use of English, but it was not until 1731 that George II abolished Law French and Law Latin. Even then they survived in special terminology and abbreviations.

(ii) Characteristics : Tautology

Tautology (repetition of the same meaning words) is one of the most significant characteristics of Law French. According to Hayakawa (1992:193), there was a linguistic barrier between the ruling class and the mass of the people, and they could not communicate at all through their own languages: Anglo-French and English. Therefore, many legal documents were written in both Anglo-French and English. For example, in "contract *made* and *entered into*", *made* is an English word and *entered into* is from Anglo-French. Hayakawa (1992:196) makes up a list of tautological phrases by referring to Dickerson (1965:125-126) and Mellinkoff (1982:189-190) (see Appendix 4.7).

4.1.3. The language of the law: Grammatical Characteristics

Most of the work on the grammatical characteristics of legal English has been undertaken by discourse analysts and linguists and so it is discussed in the second part of this chapter (Section 4.2). Here I look at two special issues which are frequently mentioned by lawyers as special characteristics.

(1) *Conjunction*: The special problems of *and* and *or*.

In this section, *and* and *or*, which seem to be easy at a first appearance, will be discussed. Native speakers often have problems recognising differences between the legal meanings of these words, but Japanese have special problems as Japanese discriminates more precisely than English.

Dickerson (1965, 2nd edition., 1986: 110-114) discusses this question in detail, providing many examples, but the type of problem can be seen from the following example:

A and B

(a) both A and B: A and B, jointly but not severally, (joint "and")

a1: every husband and wife

= every husband and every wife

a2: every husband and father

= every husband and father

(b) A or B or both: A and B, jointly or generally, (several "and")

b1: every husband and wife

= every husband or every wife or both

b2; every husband and father

= every person who is a husband or who is a father

- (c) a person or thing that is both A and B, (joint "and")
 - c1: Dr. Richard Roe, Vice-President and Professor
 - c2: every husband and father
 - = every person who is both a husband and a father
- (d) a combination of synonyms
 - d1: act and deed
 - d2: null and void
 - d3: cease and come to an end
 - d4: covenant and agree

Hayakawa (1992:44) explains the above examples of Dickerson's categorisation as this: there are three semantic meanings of "and", (1) conjunctive, (2) connective and (3) additive. Simultaneously, concerning "or", there are two semantic meanings : disjunctive and alternative. The following are the examples of "A or B" by Dickerson (1986:110-114):

- (a) either A or B: A or B, but not both (exclusive 'or', L. aut)
 - a1: Which do you like better, coffee or tea?
 - a2: every husband or wife
 - = either every husband or every wife
 - a3: every husband or father
 - = either every husband or every father
- (b) A or B, or both (inclusive "or", L. vel)
 - b1: every husband or wife
 - = every husband or every wife
 - b2: every husband or father
 - = every person who is a husband or who is a father
- (c) a person or thing that is A or B, but not both (exclusive "or")
 - c1: Which is he, a friend or a enemy?
 - c2: every husband or father
 - = every person who is a husband, or a father, but not both
- (d) a person or thing that is A or B, or both (inclusive "or" L.vel)
 - d1: every husband or father
 - = every person who is a husband, or a father, or both
- (e) namely
 - e1: The canine, or dog, is a useful animal.
- (f) a combination of synonyms
 - f1: alter or change
 - f2: suffer or permit
 - f3: chargeable or accountable

Further complications arise with structures such as "adjective + adjective + noun + noun" where there is a systematic ambiguity. Dickerson (1986:110) illustrates the problem in full, and gives an example "more than three adjectives + 'and' or 'or'":

"Charitable, benevolent, religious and educational institutions, societies, associations and objectives"

(Att. Gen. for New Zealand v. Brown, [1917] A.C.393)

If the former *and* has to be interpreted as "cumulative joint *and*", nobody, he says, could succeed to the possession. Therefore, the former *and must* be understood

as “*several and*”, namely it means the same as “alternative exclusive *or*”. Of course, the latter “and” could be interpreted as “*several and*”.

Concerning the last examples, Hayakawa (1992:54) comments on the difference between Japanese and English in respect of ‘and’ and ‘or’. In short, Japanese has three lexical items, each equivalent to *and* but with different grammatical functions. However, in English, there are no visible differences at all, and therefore, it seems rather difficult for Japanese people to recognize those differences. In Japanese, the following distinctions are made:

"and"	(1)	conjunctive	: <i>to</i>
	(2)	connective	: <i>oyobi</i>
	(3)	additive	: <i>narabini</i>

The difference between these *ands* depends on the level of syntax. Broadly speaking, *to* is used to join clauses, *oyobi* is used to join phrases, and *narabini* is used to join words. Hayakawa (1992:55) also states that in Japanese there are two words for “or”:

"or"	(1)	distinctive:	<i>mataha</i>
	(2)	alternative:	<i>moshikuha</i>

He gives the example:

"If any person shall carnally know in any manner any brute animal, *or carnally know any male or female person by the anus or by or with the mouth, *or voluntarily submit to such carnal knowledge, he or she shall be guilty of a Class 6 felony."

Two of the ‘or’s (marked*) are alternative ‘or’ and would be translated *moshikuha*, the other two ‘or’s are distinctive and would be translated *mataha*. Again the syntactic level is the important factor.

(2) *Prepositions of time*

Piesse & Smith (1946, 5th ed. 1976) draw an attention to the special use of prepositions in legal English. They explain that *on*: must be used with serious care. A year “commencing (beginning) on” 1 April ends the next 31 March. In this case, is the date of 1 April legally included or not? To make this kind of ambiguity clearer in legal contracts, we find expressions like *on and after the first of April*”, or *on or before the first of April*. For more examples of preposition use in legal texts, please see Appendix 4.8.

(3) *Text-Referential Words*

The language of the law retains a lot of Old and Middle English words and meanings. Here is a sample of them given by Hayakawa (1992:93-94).

- (1) here-words :
 hereafter, hereat, herebelow, hereby, herefrom, herein, hereinabove,
 hereinafter, hereof, hereon (hereupon), hereto (hereonto), heretofore,
 hereunder, herewith,
- (2) these-words:
 thereabout, thereafter, thereagainst, thereat, thereby, therefor, therefore,
 therefrom, therein, thereinafter, thereinbefore, thereinunder, thereinto,
 thereof, thereon (thereupon), thereout, thereover, therethrough, thereto
 (thereunto), theretofore, thereunder, therewith, therewithal,
- (3) where-words:
 whereas, whereat, whereby, wherefor, wherefore, wherefrom, wherein,
 whereinto, whereof, whereon (whereupon), whereout, wheresoever,
 whereto (whereunto), whereunder, wherewith,
- (4) hence, henceforth, henceforward, hitherto, thitherto, thence, thenceforth,
 thenceforward, whence,
- (5) ever words
 whosoever, whatsoever, whichsoever, whensoever, howsoever,
 wheresoever,
- (6) said, such, same,
- (7) afore, aforesaid, aforementioned, aforethought, foregoing, forthwith,
 moreover, nowise,
- (8) behoof, let,
- (9) bounden, proven,
- (10) witness (noun), witnesseth, saith (sayeth), hath (verb), doeth (verb), doth
 (auxiliary, verb),
- (11) to wit,

Interestingly, most of these words have a textual function and refer to the text in which they are written. They can therefore be categorized as "text-referential words" from the point of view on written discourse.

Examples of the use of such words and their explanations can be found in Appendix 4.9.

(4) Simplification and Clarification

A number of authors have argued the case for the simplification of legal English. Mellinkoff (1963:27) claimed that the language of the law has a tendency to be wordy, unclear, pompous and dull, and organizations like the Plain English Society have tried to introduce changes. (See, for example, Felsenfield and Siegel, 1981, Wincon, 1976, Wydick, 1979 and Weinberg, 1987). These moves have been relatively successful at improving communication with lay people, but change does not take place easily in language used by professionals. Most authorities pay attention primarily to "clarity", "conciseness" and "simplification", but "precision", and "forcefulness" are also advocated (Weinhofen, 1980). The question of "audience" is also considered important. Melinkoff, for example, makes the point that the writer must be aware of the question "clear to whom?" since we must write for the actual

readers. He categorizes seven channels of communication in legal writing, pointing out the differences between writing for specialists or for non-specialists. He also recognizes that degrees of formality and informality vary according to context.

A judge's opinion is usually written only for the litigants and their lawyers, and most opinions could be expressed in a few lines, sometimes in a few words: ("Affirmed [or, reversed] for the reasons stated in *Smith v. Jones*"). Too long a recitation of facts is unnecessary for them. However, the judge's opinion might serve a broader purpose, and needs to be understood by the whole court, the press, and so on. Melinkoff (1982) stresses that it is better for judges to over-explain than to leave something out. Judges should make the English as ordinary as possible, with regards to effort of clarity, and should include all necessary explanation. He (1982) adds that most judge's opinions are read by law students, and that the pattern of judge's opinion is indispensable in creating the law itself.

When experts are writing for ordinary people (non-lawyers), writers have to take two patterns into considerations; one is the type in which no explanation is necessary, and the other is the type in which explanation is necessary. Mellinkoff (1982) analyses several types of writing: public notices, form contracts and jury instruction, showing how explanations can be used to clarify legal English for the general reader.

There is also a considerable literature on legal drafting and legal style, most of which considers such issues as clarity (see, for example, Dickerson, 1965, second edition 1986, Cooper, 1963, Marceau, 1965 and Weinhofen, 1980).

Shuy and Larkin (1978), who are interested in the language of Insurance Policies, consider simplification and clarification in detail and present some common misconceptions.

Misconception of clarity and simplicity in language

1. that simplicity is equivalent to clarity (or *vice versa*).
2. that a limited inventory of words or sentence patterns will yield clarity.
3. that repetition contributes clarity.
4. that in order to be clear, one must be totally explicit.
5. that short items are better than long ones.
6. that Anglo-Saxon words are simpler than the Latinate vocabulary.
7. That jargon is always bad.

The detailed explanation of those seven misconceptions will be seen Shuy and Larkin's (1978) original document. However, what Shuy and Larkin (1978:316) indicates is:

the seven misconceptions can all help produce prose which interferes with the reader's ability to use his natural linguistic system when he reads an insurance policy.

In short, in order to make insurance prose clear and precise, more careful consideration should be taken. Thoughtless simplification can actually make the language less clear.

Secondly, Shuy and Larkin (1978) state the characteristics of "Nominal versus Verbal Form" in the insurance policies. Verbal forms are generally considered 'simpler' to understand as they are closer to conversational forms. Insurance policies tend to use nominal forms rather than verbal forms.

(nominal phrases)	(verbal phrases)
upon the death of the insured	when the Insured dies;
an election of,	elect or choose;
before the commencement of the	before the Insured
period of disability of,	becomes disabled;.

Shuy and Larkin (1978:317) exemplify the use of nominal phrases as follows:

(a) The change will be effective as of the date of **signing** by the Owner, whether or not the Owner or Insured is living at the time of **receipt** at the Home Office.

From the passage (a), both nominals *receipt* and *signing* do not indicate what is to be received or signed. Let compare the above with the rewritten sentences of Passage (b):

(b) The change will take effect as of the date it is **signed** by the Owner, whether or not the Owner or Insured is living at the time it is **received** at the Home Office.

Passage (b) the nominals *receipt* and *signing* are changed to their verbal forms (in the passive). However, the following passage (c) indicates that it is not necessary to include a passive structure with its agentive by prepositional phrase:

(c) The change will take effect as of the date the Owner **signs** it, whether or not the Owner or Insured is living at the time the Home Office **receives** it.

(a) and (b) do not mention who was to receive the change of beneficency form. However, the use of an active clause demands there should be a term (the subject) explicitly stating who will receive the form. Another possibility is the use of "when" instead of a prepositional construction like *as of the date of*:

(d) The change will take effect **when** the Owner signs it, whether or not the Owner or Insured is living at the time the Home Office receives it.

From the comparison, Shuy and Larkin (1978) summarise the characteristics:

- (1) Nominal forms such as signing indicates an event or act, but hide a lot of the participants;
- (2) Their verbal forms specify more completely the specific details of an event of act;
- (3) Nominal phrases with their prepositional phrases (adjuncts) are shorter and more compact than clauses.

The relationships between their examples clarify the linguistic resources with respect to insurance documents, but make it clear that simplification is no easy matter. For example, simple and clear texts may be longer and they may also be less precise.

4.1.4. *The language of the law: Formal Phraseology and Boilerplate*

According to Hayakawa (1992:114), important legal events were ceremonially acts, for example, in delivering a contract under seal, the person who had to declare, "I deliver this writing as my act and deed". This kind of ceremonially declaration was applied to legal drafting, which, therefore, incorporated many examples of formal phraseology and conventional expressions. Hayakawa (1992) uses the word "boilerplate" to refer to these expression. He explains the reasons why the term "boilerplate" is used in legal English (1992:115). The original meaning of "boilerplate" was standard blocks of type (for headlines and stock titles) used on a weekly newspaper, then the word changed to mean the articles themselves, which tended to be very similar to each other, hackneyed and full of cliché's. Since then, the conventional expressions in legal discourse have been termed "boilerplates".

Hayakawa exemplified six patterns of boilerplates which seem to have a standard historical use. However, these boilerplates are still used even today in some contexts:

- (1) opening sentences;
 - 1. Be it remembered, that ...,
 - 2. Be it known, that ...,
 - 3. Know all men by those presents, that ...,
 - 4. To all to whom these presents shall come or may come, Greetings:
Know ye that ...,
- (2) closing/concluding sentences;
 - 5. In witness whereof the parties hereto have executed this agreement
the day and year first above written,
 - 6. Wherefore, defendant plays that plaintiff nothing ...,

Hayakawa (1992:119) also gives a list of boilerplates which are not commonly used nowadays, but which are judged to be the originals of the above expressions. The

examples of boilerplates in spoken legal discourse used still in British English in a courtroom are given by Hayakawa (1992:121) as follows

7. All men rise!
8. Hear ye! hear ye! Hear ye!
This honourable court is now in session.
9. May it please the court ...,
10. Your honor ...,
11. Counsel, approach the bench.
12. Swear the witness.
13. Your swear to tell the truth, the whole truth, and nothing but the truth. So help you God;
14. I do solemnly swear (affirm) that I will ...,

4.1.5. *The language of the law: Abbreviation*

Abbreviations can be traced back to the middle ages when the court records were kept in what was known as "court hand", a hand-written, abbreviated script. The frequent words were abbreviated. When Law Latin was completely prohibited in 1773, abbreviations were still permitted. For example, "ss" is a typical abbreviation from Law Latin, which means "namely". An example of an abbreviation from Law French is "hon.", which means "honourable", used still in names like "the Hon. Mr. Justice Holmes". Hayakawa's (1992) other examples of abbreviations are listed in Appendix 4.10.

Hayakawa (1992:238) indicates how to read some of the abbreviations as follows:

- (1) read the letter only;
D.A. (District Attorney)
- (2) read as a full word;
G. Geo. (George)
- (3) read the written part only
ibid. (L ibidem= in the same place)
loc.cit. (L loco citato = in the place cited)
- (4) read in English;
i.e. (L id est) 'that is (to say)'
viz (L videlicet) 'namely'

It can be seen that there is little consistency, adding a further problem for non-native speakers of English.

Some of the legal abbreviations from Latin have become part of general written English. Examples are "e.g." (read as "for example"), or "etc." (read as etcetera or "versus" (read as v.).

Hayakawa (1992) divides “punctuation marks” into four types: (1) use of the slash mark (/), (2) use of the dash (-), (3) use of the apostrophe (’), (4) use of the period (or full stop) (.) and (4) use without the period. For example, one of the uses of the slash mark (/) is “a/c” = account. Hayakawa (1992) provides a list which is partially displayed in Appendix 4.11.

4.1.6. *The language of the law: Rhetoric and Style*

(1) *Rhetoric*

One of the characteristics of Legal English is that it does not always use common expressions, but uses more formal archaic expressions. Some instances of legal English are rich in devices of traditional rhetoric. For example, as an euphemism expression, the word: decedent is sometimes used instead of ‘the dead person’. Hayakawa (1992:127) distinguishes types of rhetoric, with examples from legal English: (a) *euphemism*, (b) *hyperbole*, (c) *meiosis*, (d) *periphrasis*, (e) *circumlocution*, (f) *repetition*, (g) *climax*, (h) *rhetorical questions*, (i) *personification*, (j) *conventional epithet*, (k) *synecdoche*, (l) *metonymy*, (m) *simile*, and (n) *metaphor*. For examples of each, please see Appendix 4.12.

(2) *Specialist Terminology*

Specialist Terminology in law is sometimes known as ‘professionalism’ Mellinkoff (1963:18) refers to expressions with professional and specific meaning under two headings: ‘terms of art’ and ‘argot’. The use of *terms of art*, he claims, is the main characteristic of the language of the law, and these are the terms that, for non-specialists, seem to be esoteric, specific, and difficult to understand. Many of these terms originate in Law French or Latin and are very old. *Argot*, on the other hand, incorporates special terms that originated in popular language or criminal language, such as *breaking and entering*, (Hayakawa, 1992:272). Mellinkoff (1963:18) characterises ‘argot’ as follows:

Argot has the connotation of a language of communication within the group, whether or not deliberately designed to exclude the stranger.

Although both Mellinkoff and Hayakawa make the distinction between the categories and list examples (see Appendices 4.13 and 4.14) it is not absolutely clear what the differences are between the *terms of art* and *argot* in the special legal sense. Some

professional terms like "contributory negligence", "demurrer" and "felony" have a legal meaning only known to specialists but also words in common general use like "bail" "alibi" and "landlord and tenant" are listed (see Appendix 4.13). Moreover, some of the examples given are so old-fashioned that they are seldom used nowadays and cannot be found in current legal dictionaries or reference books.

(3) *Flexibility and Precision*

Hayakawa (1992: 273) states that one of the characteristics of the language of the law is its flexibility and precision.

For example, the phrase of "about 50 " does not clearly express whether or not 47 is included, or 55 is excluded. Using such an expression a lawyer can be precise about a flexible concept. Other examples of the flexibility of legal terminology can be seen in a list from Mellinkoff (1963:20) in Appendix 4.15 and Appendix 4.16.

(4) *Mannerism*

Mellinkoff (1963:24) claims that the language of the law has a strong tendency to be (A) wordy, (B) unclear, (C) pompous and (D) dull.

(A) **wordy**

Here are some examples of what Mellinkoff means by 'wordy'. However, in each case, it could be argued that the wordiness is an attempt at further precision. Some of these expression have been explained in terms of repetition in words of French and English or Latin and English origin (Hayakawa 1992:196), as in, *annul* (from Latin) and *set aside* (from English). Another explanation is that two words have slightly different meanings (*annul* meaning to *make into nothing* and *set aside* meaning *discard*) and the conjoined phrase covers both possibilities. The latter seems to be the favoured explanation among British lawyers (personal communication).

(for)	(say)
annul	annul and set aside
remove	entirely and completely remove
will	last will and testament
void	totally null and void
without hindrance	without let or hindrance
document	written document
instrument	written instrument

(B) unclear

The language of the law sometimes makes lawyers as well as non-lawyers puzzled by its unclearness. Mellinkoff (1963:27) states that the language of the law is filled with "long sentences, awkward constructions and fuzzy-wuzzy words". Consequently, a failure of communication may often occur. The following is a typical example of long sentence:

When, without any showing to the contrary, it affirmatively appears, from the record in the trial of a criminal case on an indictment for a felony punishable by enforcement in the penitentiary for a period of less than life imprisonment, that the trial court did not comply with the habitual criminal statute then in effect which expressly required that before a sentence of imprisonment may be lawfully imposed it must be admitted, or by the jury found, that the person convicted on the indictment had penitentiary, a judgement imposing a sentence of life imprisonment upon the convict, based upon the statute, is void, to the extent that it exceeds the maximum sentence for the particular offense charged in the indictment, for lack of jurisdiction of the trial court to render it, and the effect of that part of the sentence of life imprisonment, in excess of the maximum sentence for such particular offense will be avoided and its enforcement prevented in a habeas corpus proceeding.

(Mellinkoff 1963:27)

(C) pompous

According to Mellinkoff (1963:21), one of the most common features of spoken Legal English is its pomposity. For example, when a federal judge addresses law students:

I give it to you my considered opinion, gentlemen, that this is a government of checks and balances.

He also exemplifies the pompous style in argument of counsel:

My client's contention is obviously correct, clearly justified, and overwhelmingly corroborated,

Your claim is entirely unsupported, unsound on its face, patently fraudulent and trifled with justice,

He lastly gives examples of pomposity in status:

Law is the solemn expression of the will of the supreme power of the state,

The people in their wisdom have given the appellant board the exclusive power to determine in what circumstances it is or is not contrary to public welfare and morals to issue a liquor license.

(D) dull

Wordiness and pomposity in the language of the law sometimes contributes to dullness (Mellinkoff, 1963:29) The following is an example of dullness in the language of the law:

The reason for denying an appeal in the latter case is not because the order on the motion to vacate is not within the terms of section 963 of the code allowing appeals,

for it may be, and indeed, an order refusing to vacate a final judgement is in its very nature a special order made after judgement, but because it would be virtually allowing two appeals from the same ruling, and would, in some cases, have the effect of extending the time from appealing contrary to the intent of the statute.

As a summary for this section of the characteristics of the language of the law, I would like to use Bhatia's (1993:102) comments on the language of the law:

To the specialist community there are indispensable linguistic devices which bring in precision, clarity and unambiguity and all-inclusiveness; however, to the non-specialist this is a mere ploy to promote solidarity between makers of the specialist community, and to keep out the non-specialist community.

Nevertheless, the language of the law is criticized for these characteristics; wordiness, pomposity, lack of clarity and dullness, not only non-specialists but also specialists often find legal documents difficult to process. Hence, it is natural that the clarification and simplification of the language of the law should be sometimes demanded. There is usually resistance to demands for simplification because characteristics valued by lawyers could be lost in the simplification process. In order to more fully understand the characteristics of legal texts, various studies have been undertaken by linguists and discourse analysts and it is to these that I turn in section 4.2.

4.2. Introduction to Legal Text and Discourse Analysis

4.2.1. Approaches to language description

Bhatia (1993:5-13) classifies the research on the description of language varieties into four types in what he sees as a chronological division.

- (1) register analysis:
 surface-level language description
- (2) grammatical-rhetorical analysis:
 functional language description
- (3) interactional analysis:
 language description as discourse
- (4) genre analysis:
 language description as explanation

Bhatia (1993) states that the discussion of discourse analysis appears to have moved from surface-level analysis to 'deep' description of language use. He claims that socio-cultural, institutional and organizational explanation are more relevant and

more useful to language teachers and applied linguists than simple linguistic analysis.

He (1993:11) adds that:

...such a model needs to be more towards the specific end of the continuum than the general end, because in language teaching for specific purposes, it is more realistic, and often desirable, to find pedagogically useful form-function correlations within, rather than across, specific genres.

It is not clear what this continuum means because it seems difficult to distinguish the general from the specific, particularly in the university English language teaching context in Japan (see Chapter 2). It is also doubtful whether such a strict classification as Bhatia's actually describes the facts. There is, and always has been, overlap in the types of research.

Nevertheless, concerning the need to link sociolinguistic, psycholinguistic and linguistic factors as part of any analysis, Bhatia's idea seems reasonable. Bhatia (1993) indicates Swales' (1981,1985,1990) definition of "genre" as follows:

it is a recognizable communicative event characterized by a set of communicative purpose(s) identified and maturely understood by the member of the professional or academic community in which it regularly occurs. Most often it is highly structured and conventionalized with constraints on allowable contributions in terms of their intent, positioning, form and functional value. These constraints, however, are often exploited by the expert members of the discourse community to achieve private intentions within the framework of socially recognized purpose(s).

Using Swales' definition, Bhatia (1993) suggests that the development of a theory of genre analysis should be accomplished with the help of linguistics, theoretical and applied, sociology, psychology, and communication research and so on.

According to Bhatia (1993), there are three levels of genre analysis: (1) Analysis of lexico-grammatical features, (2) Analysis of text-patterning or textualization, and (3) Structural interpretation of the text-genre. Bhatia's (1993) categorisation should be appropriate in considering legal discourse.

For convenience here, I consider written legal discourse as a separate category: from spoken legal discourse.

4.2.2. Written Legal Discourse Analysis

Almost all the analysis described in Section 4.1.1., such as the work of Mellinkoff (1963) and Hayakawa (1992) comes within the category of register analysis. Their description, some of which, as we have seen is not based on analysis

as such, is based not on a study of the use of language in context but impressions of the surface-level of a variety of texts only loosely categorized as legal.

One of the major examples of linguistic analysis of legal discourse is that of Gustafsson (1975). She (1975) examines the syntactic properties in the language of the law through the analysis of the British Courts Act 1971. In particular, she concentrates on the recognition of (1) the number and length of the sentences, (2) the clausal structure of the sentences, (3) the types of dependent clauses, and (4) the position of adverbial and other clauses in the legal sentences examined. By comparison with the results from the analysis of scientific English such as Barber (1962) and others, we can see that Gustafsson identifies important characteristics of the language of the law. The primary findings of Gustafsson (1975:26) are as follows:

(1) Legal sentences are much longer than, for example, scientific sentences.

Modern scientific English		
Barber (1962)	:	27.6 words per sentence
Marckworth and Bell (1967)	:	23.8 words per sentence
Legal English		
Gustafsson (1975)	:	55.11 words per sentence

The length of the documents in legal English are thought to be due to legal drafting tradition such as striving for precision and attempts at all-inclusive-ness.

(2) Regarding the number and nature of subordinate clauses in the Act Gustaffson shows that the number of clauses per sentence is greater than in scientific English. However, the type of the subordinate clauses in legal English is very limited to a few patterns. (L.E. = Legal English; S.E. = Scientific English)

Table 4.1: Gustaffson's comparison

		L.E.(*1)	S.E.(*2)
that-clauses	=	10%	28%
adverb clauses	=	31%	?
comparative clauses	=	11%	23%
relative clauses	=	47%	49%

*1 L.E.: Legal English (Gustafsson, 1975:17)

*2 S.E.: Scientific English (Huddleston, 1971)

Crystal and Davy (1969) claim that legal sentences are mainly constructed of a formula 'if X, then Z shall be/do Y'. The set of 'if X' clauses is included among adverbial classifications. Crystal and Davy (1969:203) state that:

It is perhaps the adverbials which contribute most to the distinctive quality of the sentences.

(3) The word order is different in relative frequency from that of ordinary prose. The sentence elements are forcefully placed next to the words which they qualify or modify. Therefore, long insertions are found between the subject and the verb or between the auxiliary and the main verb.

For example:

A person duly attending in compliance with a summons under this part of this Act shall be entitled on application to the appropriate officer to a certificate recording that he has so attended.

(Part V, section 44, subsection 3)

(4) The nominal style in legal texts is very significant. However, the nominalizations can sometimes cause confusion for readers.

The trial of a person committed by a magistrates' court -

(a) shall not begin until the expiration of the prescribed period beginning with the date of his committal, except with his consent and the consent of the prosecutor, and

(b) ...

(Part II, section 7, subsection 4)

The statistical data given by Gustafsson is interesting for law students because they are usually ignorant of these characteristics of the language of English law. It is particularly difficult for Japanese students to read such texts in English because Japanese Acts do not have precisely the same characteristics. In the section of 4.3, some of the differences between Japanese Acts and English Acts will be explained.

A further act, the British Road Traffic Act 1972 (Parts 1-11, pp.67) was examined by Hiltunen (1983) from the following aspects:

(1) the sentence level

(2) the clause level

(A) the main clause

(B) the dependent clause

(i) the relative position of dependent clauses in the sentence

(ii) the syntactic function of dependent clauses

The findings of Hiltunen (1983) are first that, **a complex sentence structure is predominant in legal English**. In particular, the most frequent sentence type in legal English is made up of one principle clause and several dependent clause:

Complex sentences have one main clause plus any number of dependent clauses, which may be subordinate to each other, co-ordinated with each other, or a combination of the two.

(Hiltunen, 1983:2)

As for sentence patterns, among his examples, 54.8% of the principal clauses are in initial position, 23.0% are in the medial position and 22.2% are in the final position. Hiltunen (1983) states the choice of position enables legal draftsmen to place dependent clauses accordingly. In short, sometimes, these dependent clauses can be placed in the initial position in order to characterise conditions and provisions under which the legal prepositions take effect, as in the following examples:

If an accident occurs owing to the presence of a vehicle on a road or other public place, a constable in uniform may require any person who he has reasonable cause to believe was driving or attempting to drive the vehicle at the time of the accident to provide a specimen of breath for a breath test
(Hiltunen,1983:6)

His third findings is of the characteristics pertaining to the syntactic functions of dependent clauses which are compared with those in other genres such as popular fiction, journalism, literary essays and science. Hiltunen (1983) compares his findings with data from Ellegard (1978), specifically the primary constituent functions: subject, object, adverbial and predicative complements (The rest of Ellegard's constituents are ignored).

This comparison gives the following table 4.2:

Table 4.2: Ellegard's Constituents

Ellegard:	Subject	Object	Adverbial	Predicative comp.
N (Popular fiction)	4.4%	46.4%	47.4%	0.9%
A (journalism)	6.4%	56.5%	35.6%	1.9%
G (Literary essays)	9.6%	36.0%	49.6%	4.3%
J (Science)	17.4%	22.1%	53.8%	3.1%
All*	8.1%	42.2%	46.0%	2.2%
Legal material	---	24.3%	71.9%	3.8%

(Hiltunen,1983:13)

*(percentage of all clauses as primary constituents)

The primary categories in the five genres seem to be similar, except that adverbial clauses are remarkably distinguished from others, showing the importance of adverbials in legal discourse.

Similarly, Hiltunen (1983) analyses the modification of sentence constituents and finds that there is a much higher frequency of modification on adverbials than on other constituents. The following data shows the modifying clauses identified by Hiltunen (1983:14):

Table 4.3: Ellegard's modifying clauses

Ellegard:	Modifier of:			
	Subjects	Object	Adverbial	Predicative comp.
N (Popular fiction)	18.0%	28.9%	22.0%	22.0%
A (journalism)	25.0%	33.3%	19.9%	15.0%
G (Literary essays)	21.0%	32.1%	20.5%	20.0%
J (Science)	28.0%	29.6%	25.9%	16.0%
All	23.0%	29.6%	21.8%	18.3%
Legal material	21.8%	24.6%	47.8%	5.8%

The proportion of clauses modifying adverbials seems considerably higher in law than in other fields. In addition, the percentage of clauses modifying predicative complements is much lower than in other genres. Hiltunen (1983) states that the high percentage of the adverbial clauses and clauses modifying adverbial functions is one of the significant characteristics of the language of the law.

As a piece of contrastive analysis, Finegan (1983:113) analyses "Form and Function in Testament Language" the data of which are drawn from four wills and their paired transmitted letters. He explains (1983:113) the difference between wills and letters about wills in terms of testament language is as follows:

The letter: addressed to the will maker in the attorney's own voice, introduces the proposed will to the testator and provides whatever explanation the attorney thinks desirable.

The will: is drawn in the name of the testator for the benefit of potential beneficences, trustees, and executors.

Lawyers have an opportunity to talk about the same topic in two different voices: letters or wills. Therefore testament language enables them to analyse the relationship between linguistic form and communicative function.

According to Finegan (1983:115), there are seven features of the grammar and syntax concerning wills and letters about wills:

- 1. First and Second Person Pronoun
- 2. Imperative Mood
- 3. Relative in Declarative Sentences
- 4. Frequent use of Conditional Sentence
- 5. Long Sentences
- 6. Passive Voice, Especially in the Wills
- 7. Postponed Performatives in the Wills

I would like to give a brief introduction to a few of Finegan's (1983) categories:

(1) First and Second Person Pronoun

Finegan (1983:115) explains the normal moves of the transmittal letter as follows:

here's a draft of the will that you and I discussed; here's basically how it will dispose of your estate; here's why it does certain things the way it does; after you've read it, come to my office and sign it.

The lawyer addresses the testator in the second person, and he or she uses the first and second person singular pronouns; I and You. A will, on the other hand, exhibits the first pronoun but not second pronoun. For example, "Last Will and Testament of John Jones" or "I, John Jones...".

(2) Frequent Use of Conditional Sentences

Lawyers have to prepare sets of conditions in testament language. Finegan (1983:117) displays some examples:

- if X should die before Y;
- if z should not survive me by thirty days;
- if both a and b;
- if either a or b;
- if b before c;
- if a and b but not c;

According to Finegan (1983:117), wills exhibit two types of conditional clauses: "if" and those signaled by inversion of subject and auxiliary verb such as "Should any of my Children predecease me...". The letters, on the contrary, use only if-clauses.

Quoting the data of the use of if-clauses among 500 samples which was collected by Kurcera & Francis (1967), Finegan (1983:117) compares the data given by *the Standard Corpus of Kurcera & Francis with Finegan's own analysis of wills and letters.

Numbers of token of 'if' per 100 sentences in the sample letters and wills and the Standard Corpus

Standard Corpus	4.20
Letters of transmittal	15.95
Wills	25.71

[NOTE: *They selected fifteen genres; humour, fiction, press reviews and editorials, and learned and scientific writings - approximately 2,000 words each.]

The frequent use of Conditional Clauses, especially if-clauses, are apparent in the legal documents.

(3) Long Sentences

Finegan (1983:118) gives the sentence length as follows:

Mean sentence length in words for five samples of text	
Standard Corpus fiction	12.8
Standard Corpus (all genres)	19.3
Letters of transmittal	23.7
Standard Corpus government documents	25.5
Wills	39.8

Finegan (1983) finds that the average length of wills is about 4,200 words, which is nearly six times the length of transmittal letters. In addition, according to the above data, the wills apparently have longer sentence length than other genres including the letters of transmittal. However, even the letters of transmittal, have an average length longer than the Standard Corpus.

(4) Passive Voice, Especially in the Wills

Finegan (1983:118) states that, in the letters of transmittal, passive voice is often used in an answer to the following question: "What does the will do?" Since passives are more efficient than active sentences due to the implicit question behind the letters, "... by the will" or "... by the trustees" are used instead of "The will does X."

Concerning the wills, Finegan (1983:118) finds that 66 passive voices in an 106 sentences per have only two types of agents:

- by me ; for verbs such as
authorized, appointed, designed,
entitled, bound, and given,
- by the executor or by the trustee
distributed, allocated, retained,
determined, created and exercised.

(5) Postponed Performative in the Wills

Finegan (1983:119) discusses performative verbs as follows:

When one says "I declare", one thereby declares; When one says "I authorize", or "I designate" or "I give", one so authorizes, designates, or gives.

He cannot find any examples of performative verbs in the letters of transmittal, whereas there are performative documents and performative verbs in the wills by definition.

As far as textual reference is concerned, "hereby" in particular, is sometimes used with performatives, as in the following expressions:

- I hereby revoke;
- I hereby make, punish, and declare,;

I hereby designate and appoint,;
I hereby authorize,;

But more usually, "hereby" tends to be omitted as follows:

I declare,;
I give, devise and bequeath,;
I confirm,;
I direct,;
I exonerate.

Finegan's research on the wills and the letters about the wills is extremely interesting, especially the detailed information about the use of passive voice in the wills. Nonetheless, it can be seen that there is potential for further research into the difference between the wills in UK and those in Japan from a cross-cultural perspective.

Hare (1993) surveys the nature of lexis in law textbooks in Malaysian and Singapore universities. He analyses the 63,000+ words by use of the Oxford Concordance Programme. The main content of his research is discussion of the following points:

- (1) the implications of the findings for the utility of computer-based ESP corpora;
- (2) the implications of such findings for EALP teachers;
- (3) the relationship between the findings and such concepts as the "Lexical Syllabus" (Wils,1990);
- (4) the effect the findings have on EALP syllabus and materials design.

He (1993) analyses ten law textbooks, published between 1971 and 1983 (see Appendix 4.17). From the textbooks, the figures provided by Hare indicate that there were a total of 63,803 words ('tokens' in linguistic terms). However the total vocabulary was only 6,363 types. From the data, he draws the following 74 most frequently occurring lexical items:

Table 4.4: 74 most frequency words

the	5011	of	2821	to	2133	a	1790
in	1465	is	1168	and	1151	that	865
be	864	it	783	or	737	for	722
not	585	by	572	an	509	as	495
which	444	was	411	on	410	he	407
if	348	but	339	those	323	are	306
with	305	may	287	his	296	has	283
law	241	been	233	have	231	any	217
from	214	at	204	no	204	such	198
would	195	where	178	one	177	*act	173
other	171	will	168	*equitable	166	*breath	165
who	165	must	160	had	168	only	155

all	154	there	154	contract	152	*case	147
*notice	147	so	147	they	140	against	137
right	136	under	136	*legal	128	*land	122
its	120	can	117	*equity	116	*court	115
*estate	115	made	114	common	113	person	110
were	110	some	109	more	106	action	102
him	101	should	101	*damages	98		

Hare (1993) states that these 74 words count for 49% of the total number of 63,803 words in the corpus. He also compares his data with the 2500 worldlist of the COBUILD English Course Book 3 (Willis and Willis, 1989). The * marked words in the above list could not be found in the COBUILD worldlist. Hence, the following words are apparently identified as legal terms: *breath, case, court, damages, equity, equitable, land, legal* and *notice*. Concerning the most frequently used words in the law corpus; of *act, estate* and *contract*, only *contract* could be found in the COBUILD worldlist. Hare (1993) presumes that a word which has high-frequency in general English will not always have a high frequency in legal English. Similarly, a high-frequency lexical item in legal English may not indicate the frequency in general English. In addition, even if a word such as "action" is found in both general lexis and legal lexis, the meaning of "action" is likely to be different (as previously discussed in Section 4.1.2).

Secondly, Hare (1993) drew a "core vocabulary" of 796 words from the analysis. What Hare means by "core vocabulary" is a group of a lower level of frequent lexical items; only 796 words which occurred in the corpus among the total vocabulary of 6,363 words. He claims that, if a student learns the 796 word core vocabulary, the student can recognise approximately 85% of the text. However, the important lexis which expresses legal content is not covered by this vocabulary. Therefore, Hare (1993) identifies the following two problems:

- (1) There are many unknown words in the text. In this corpus there are +5600 words that are not frequent, and probably not known.
- (2) The student frequently encounters unknown words. Therefore, an understanding of lexical frequency is insufficient to indicate what needs to be taught to law students.

Hare (1993) warns that even though a student "knows" a lexical item, he/she does not necessarily "know" its legal meaning. He write, "I warn the reader about this matter because if a student continues to read without being conscious of these "technical" meanings, misinterpretation or misunderstanding will occur". This point has been

already discussed in Section 4.1. and is relevant to the research reported here in Chapter 5. The main emphasis is on the need to take the teaching of lexis very seriously and the need for teachers and researchers to study the lexis of legal texts in order to establish what needs to be taught.

Kurzon (1984) analyses two types of written legal texts; frozen texts and formal texts. The former include the following four genres: *a will, a deed, a contract* and *an order*. The latter, in contrast, is represented by a genre of statute.

As his means of analysis, Kurzon uses the system of Thematic Progression derived by Danes (1974). Danes identified three major patterns in text to show how writers use the Theme of clause to make the text coherent: (1) the basic (or linear) pattern, (2) the continuous (or constant) pattern and (3) the derived pattern. In the linear pattern, the Theme of a clause is taken from the previous Rheme; in the continuous pattern, the Theme is taken from the previous Theme, but in the derived pattern, the Theme simply relates to a hypertheme (or main topic) of the text (for further details, see Danes 1974, Halliday 1994 and Bloor and Bloor 1995).

Kurzon (1983) looks at Thematic Progression in each genre, but only the Will will be discussed here as an example for his method because the way of analysis seems to be typical even though the result of each analysis is slightly different.

(1) the Will

Kurzon (1983:51) analyses the following will:

THIS IS THE LAST WILL of me John Smith of 1. High Street, Townsville which I make this first day of January One thousand nine hundred and eighty**

1. I APPOINT Henry Jones to be Executor of this my Will...

....

2. I BEQUEATH (free of tax) One hundred pounds to Charles my nephew

3. SUBJECT to and after payment of my debts capital transfer tax funeral and testamentary expenses and the legacies bequeathed by this my Will and any Codicil hereto and the taxes on any such legacies bequeathed free of tax I DEVISE AND BEQUEATH all my real and personal property ... UNTO my wife Mary ...

....

5. MY EXECUTORS shall have the following powers:

(a) to invest and change investments as freely as if they were beneficially entitled...

6. IN WITNESS whereof I have hereunto set my hand the day and year first above written

SIGNED by the Testator in our presence and attested by us in the presence of him and of each other.

Kurzon identifies the hypertheme of this text as its title and first clause. (This is the last will of me John Smith . . .) and specifically uses the words *will*, *I* and *the date* as hyperthematic.

Kurzon (1983:39) makes the following diagram from the analysis of the Will:

Table 4.5: Kurzon's diagram

Hypertheme:		will (w)	I		date(dt)
1.	T:		I	R:	executor (e)
	↓				
2.	T:		I		
	↓				
3.	T:	→w	I		
	↓				
4.	T:	→w	I		e
	↓				
5.	T:		I		e
	↓				
6.	T:		I	R:	dt

Kurzon shows how the text incorporates linear, constant and derived patterns. Sentence 1 and 2 and many more have the first person pronoun “I” as Theme which is directly derived from the hypertheme of the text. *Executor* which is the Theme in Sentence 1 becomes the Theme in Sentence 5 (constant pattern). Sentence 5 also includes the positive determiner of the first person pronoun singular “my” related to the hypertheme “I”. Sentence 3 begins with a number of adverbial phrases which lay down a limitation in legal contexts. In addition, there are two linking words to the previous text or hypertheme: “my” and “Will”. They apparently cohere with the Themes: *testamentary, codicil, legacy, bequeath* and *funeral*. In Sentence 6, the Theme is the first person singular pronoun “I” which follows “IN WITNESS whereof”, and the date is repeated as the Rheme. It seems that most of the Themes, basically, are derived from Themes. However, once the Themes are established in Sentence 1, we find a continuous pattern and as *executor* changes from a Theme in Sentence 1 to the Rheme in Sentence 5, the linear pattern can be recognized.

Kurzon (1983) found that in legal texts, Danes' third pattern of thematic progression with Derived Theme predominates over the other two patterns. Of course, Pattern 3 has many variations. He (1983:49) especially points out that themes almost always co-occur with given information and rhemes with new information (see Halliday 1994, Chapter 3, and Bloor and Bloor, 1995,: Chapters 4 and 5). Therefore, Kurzon (1983) suggests that legal texts do not present any exceptional case

concerning the organization of elements in the sentence, because Theme and Given information regularly correspond to each other, and the Rheme gives new information. Consequently, he (1983:50) states that the impression of difficulties in understanding legal texts is not due to the thematic structure, but to other reasons which he gives as follows:

- (1) specialized words
- (2) sentence length
- (3) the high proportion of postmodifiers in noun phrases; these nominal postmodifiers are also long in proportion to the length of the sentences.

Harris (1989) examines certain features of lexis in some types of legal texts and case reports. In particular, Harris (1989) utilizes Francis' (1986) analysis of "Anaphoric Nouns" or "A-Nouns". The data used by Francis (1986) was drawn from the pages of the political magazine *Encounter*.

Harris (1989) analyses 12 cases and 15 case reports (his Core Texts) from contract law. The average length of each text is 10 pages except one House of Lords' decision which is more than 50 pages. In the Core Texts there are 100,000 words. Appellate decisions of the House of Lords or the Court of Appeal of which are lead two cases: "Photo Productions v. Securicor" and "George Mitchell v. Finney Lock". The supplementary texts are taken from four journals: *The Modern Law Review*, *The Journal of Business Law*, *The New Law Journal*, and *The Solicitor's Journal*.

(1) A list of legal A-Nouns

Using Francis' classifications, Harris (1989:23) makes a list of legal A-Nouns from the Core Texts as follows. Those marked with an asterisk are not in Francis' corpus and so he designates them as 'legal A-nouns'.

Utterance Nouns

Argument, Conclusion, Contention, Observation, Point, Reference, Remark, Statement, *Submission, *Way of Putting it (Illusory), Criticism, Defence, Dictum, Expression, Formula, *Label, Maxim,.

Cognition Nouns

Approach, Analysis, Consideration, *Construction, Distortion, Formulation, Finding, Guideline, Inference, Interpretation, *Line of Reasoning/Thought, *Perversion, *Principle, Proposition,.

Text Nouns

*Clause, *Part, Passage, *Provision, Words,.

Ownerless Nouns

Aspect, *Background, *Circumstances, *Difficulty, Fact, Factor, *Footing, *Ground, Issue, Matter, Problem, Question, *Situation,.

(2) A potential core of A-Nouns

Harris (1989) describes three special features of legal A-Nouns: specificity, negotiability and metadiscursiveness.

Specificity

As a typical example of specificity, Harris (1989:25) surveys the use of the A-Noun *observation* in the following case:

Suisse Atlantique v NV Rotterdamsche (1967) (HL) "The warehouse cases and cases of carriage by land have developed on parallel lines. The principle on which these cases proceeded originally is well stated by Scrutton LJ in *Giboud v Great Eastern Railway Co* Where he said:

'The principle is well known and perhaps *Lilley v Doubleday* is the best illustration, that if you undertake to do a thing in a certain way..) and do not)..you cannot rely on the conditions which were only intended to protect you if you had constructed to do it.' // These OBSERVATIONS have subsequently been approved by your Lordships' House in *LNW Railway v Neilson*.'

(Lord Upjohn at p.424)

Observation is apparently in direct anaphoric relation with the decision of the case.

Negotiability

Some A-Nouns are interchangeable. In particular, some of the cognition nouns like "analysis", "approach", "line" or "reasoning" seem to be used interchangeably.

Metadiscursive Functioning

Harris (1989:29) states that the most common A-Noun referring to legal facts is CIRCUMSTANCES:

The Photo Production Case (1980) (CA)

"//In this SITUATION the present case has to be decided. As a preliminary, the nature of the contract has to be understood. Securicor undertook to provide a service of periodical visits for a very modest charge which works out at 26p a visit. It did not agree to provide equipment. It would have no knowledge of the value of the plaintiff's factory: that; and the respondents (their insurance company.// In these CIRCUMSTANCES nobody could consider it unreasonable, that as between these two equal parties the risk assumed by Securicor should be a modest one, and that the respondents should carry the substantial risk of damage of destruction.."

(at p.846)

In order to highlight a legal background or a context, the word SITUATION is used.

This "situation" is then referred to by the appeal judge as "these CIRCUMSTANCES in order to examine the relevant law to be applied.

Harris (1989:32) indicates a significant group of the core A-Nouns as follows:

issues, matter, point, question, argument, circumstances, situation, approach, proposition, principle, reason,.

and analyses the use of the above words, with specific examples for each, comparing 'argument' nouns with 'utterance' nouns.

Harris (1989) looks in detail at the functions of the three A-Nouns; ISSUE, ARGUMENT, and POINT. These represent the voices of the parties to a case, which establish the boundaries of decision-making. The following is an interesting description made by Harris (1989:36):

The court may recast ARGUMENTS or connect the parties' POINTS to wider, legal classes; but raising POINTS and developing them in ARGUMENT is the prerogative of counsel, which the court cannot usurp.

Consequently, these three A-Nouns are organisational as opposed to evaluative.

Lastly, Harris (1989) analyses legal conversations in case reports from three different aspects: (1) legal talk between the court and the parties; (2) the conversation between the present court and past courts; (3) legal talk between past, present and future courts: He identifies the A-nouns that are characteristic of each type of talk.

Harris (1989) concludes the survey of A-Nouns by saying that there should be a comparison of A-Noun use in legal texts and detailed research of the collocational fields of different nouns. A-Nouns in legal cases appear to do a special job. Therefore, A-Nouns encode significant organisational and connotational information. According to Harris (1989:56), "A-Nouns are what might be termed as useful book-keeping techniques." A-Nouns are signposts in anaphoric capacity, and are important members of the collocational groupings which represent the significant lexis in the specialist field.

If students studied this kind of lexical use in legal texts, it could ease their understanding of the characteristics of legal discourse, particularly with respect to the way texts cohere. It would be interesting to have much more detailed statistical data such as the percentage of the use of *issues* or *principles*, and so on, in cases and case reports.

Swales (1981) compares definitions in Science and Law as evidence for subject-specific course components. He examines the appropriacy of the "broad-angle" approach by comparing the points of similarity and difference between Law and Science.

An example of a typical Science definition is:

Metaproteins are the group of substances which are produced by the action of acids on alkalis or proteins.

(Swales.1987:107)

Term = Class + Sum of differences.

He explains the form of the definition as follows:

A is B which is C (where the relative clause introduces the sum of differences).

and the function as:

To carry the reader from the known to the unknown either by explaining new terms or by re-defining old ones.

According to Swales (1981), the writers of science texts, firstly, tend to make their definitions clear and simple. They attempt to make definitions which are complete and watertight and which conform to the accepted view in the science.

Swales (1981:109) points out that in legal English (especially in textbooks) there are a number of definitions in which the form and function are similar to those in science texts. Here is one of such definitions:

A will is a disposition or declaration by which the person making it provides for the distribution or administration of property after his death.

However, according to Swales (1981), there are also a lot of definitions in Law which have different functions. The following (1981:109) is not designed for law students' clarification or for re-definition for colleagues but is essentially part of the law itself:

"Basic Definition of Theft

"A person who is guilty of theft if he dishonestly appropriates property belonging to another with the intention of permanently depriving the owner of it; and 'thief' and 'steal' shall be constructed accordingly.

(the U.K. Theft Act (1968))

The "definition" does not explain the meaning of the word 'theft' but specifies what counts as theft in the eyes of the law. The above definition will be learnt by heart by all students of British Criminal Law.

There are also other types of definitions. In order to explain the idea, Swales (1981) cites the law of the Sudan (1985) defining kidnapping:

Kidnapping Defined

Whoever takes or entices any minor, under fourteen years of age if a male or under sixteen years of age if a female, or any person of unsound mind out of the keeping of the legal guardian of such minor or person of unsound mind without the consent of such guardian or conveys any such minor or person of unsound mind beyond the borders of the Sudan without the consent of some person legally authorized to consent to such removal, is said to kidnap such a minor or person of unsound mind.

Swales (1981) finds three characterises from the above description. Firstly, he breaks down it as follows:

Whoever takes or entices any minor,
(Ingredient 1)

(1) under fourteen years of age if a male or

(2) under sixteen years of age if a female, or

(Ingredient 2)

(1) any person of unsound mind out of the keeping of the legal guardian of such minor or

(2) person of unsound mind without the consent of such guardian or

(Ingredient 3)

(1) conveys any such minor or

(2) person of unsound mind beyond the borders of the Sudan without the consent of some person legally authorized to consent to such removal, is said to kidnap such a minor or person of unsound mind.

From the above analysis, there are eight routes to Kidnapping: $2 \times 2 \times 2 = 8$. Secondly, Swales (1981) states that "Kidnapping" incorporates a number of repetition of the same phrases: for instance, *person of unsound mind* appears four times. Thirdly, *said to* is normally used as the expression of naming statements rather than *called* or *known as*.

Thus, it can be seen that Swales (1985) draws a distinction between definitions in textbooks and definitions in the law itself, thereby supporting his case that *genre* is important as a foundation for different language use. He continues his debate on the genre analysis of definitions in "A genre-based approach to language across the curriculum" and completes it (1990) in "Genre Analysis - English in Academic and Research Settings".

Bhatia (1993) analyses two types of genres of written legal discourse: one is *legislative provisions* and the other is that of *cases*.

At first, he (1993:102) examines the complexity of legislative statements in order to answer the question "Why are legislative provisions written the way they are?" According to him, concerning legislative expressions, there have been criticisms of the obscurity, circumlocutions, long-winded, involved constructions, tortuous syntax, repetitions and archaisms. Of course, for the specialists these expressions hold the sense of precision, clarity, unambiguity and all-inclusiveness. For the non-specialists, in contrast, these seem to be pompous, verbose, flabby and circumlocutory. Bhatia (1993:102) points out that there must be a truth between these positions. However, it is questionable whether or not the idea of a continuum between specialists and non-specialists is possible since the texts have a specialist function.

Bhatia (1993:102) characterises legislative provisions from the point of view of communicative purposes by comparison with most other varieties of writing. According to Bhatia (1993:102), in most other written varieties, the role of the author

is not only as originator but also a writer of what he creates, whereas in legislative provisions, the role of the parliamentary draftsman is only a writer of the legislative act, which originates from the deliberations of a parliament of which he is not a part and in which he is never present. Secondly, in most varieties, the document is meant for the reader and the recipient, both of whom are the same person. On the other hand, in the case of legislative provisions, even though the document seems to be meant for ordinary citizens, the real readers must be lawyers and judges, who have to be responsible for interpreting these provisions for ordinary citizens.

Bhatia (1993:103) states that the draftsmen not only have to make their provisions clear, precise and unambiguous but also all-inclusive. The reason is that one interpretation of a fact of the case does not necessarily agree with an interpretation in connection with the other facts of the case. This seems to be one of the significant characteristics in legal drafting (as previously stated in Section 4.1).

Bhatia (1993:106) analyses the legislative provision from seven syntactic aspects: (1) sentence length, (2) nominal character, (3) complex prepositional phrases, (4) binomial and multinomial expressions, (5) initial expressions, (6) qualifications in legislative provisions, (7) syntactic discontinuities. Each aspect is seen as a typical characteristic of legislative provisions, but here only three of the aspects will be introduced in detail: (2) nominal character, (3) complex prepositional phrases and (4) binomial and multinomial expressions.

(1) Nominal Character

In legislative sentences, there is a heavy use of nominal phrases to express processes (see Halliday, 1991).

The power to make regulation under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

((Ch,25/78: Nuclear Safeguards and Electricity (Finance Act) 1978)

(2) Complex Prepositional Phrases

Legislative provisions often include complex-prepositional phrases like P-N-P (Preposition + Noun + Preposition). The following are the typical examples given by Bhatia (1993:107):

- | | |
|---------------------|---------|
| for the purpose of, | - for |
| in accordance with, | - under |
| in pursuance of, | - under |
| by virtue of, | - by |

Legislative writing has a tendency to use complex prepositions rather than simple ones.

(3) Binomial and Multinomial Expressions

Bhatia (1993:108) defines binomial or multinomial expressions as:

"a sequence of two or more words or phrases belonging to the same grammatical category having the same semantic relationship and joined by some syntactic device such as 'and' or 'or'."

He analyses the Prevention of Corruption Act 1947 in respect of the binomial and multinomial expressions, in order to extract the main clauses, from the defendant clauses and from embedded expressions. In order to achieve all-inclusiveness in legislative provisions, Bhatia (1993:109) breaks down the Act into pieces in the following way:

Where in any trial of offence punishable under section 161	[or section 165 of the Indian Penal Code] [or of an offence referred to in clause (b) of subsection (1) of section 5 of this Act punishable under section (2) thereof]
it is proved that an accused person has accepted	[or obtained,] [or has agreed to accept] [or attempted to obtain,]
for himself	[or for any other person,]
any gratification (other than legal remuneration)	[or any valuable thing for any person,]
it shall be presumed unless the contrary is proved that he accepted	[or obtained,] [or agreed to accept] [or attempted to obtain]
that gratification	[or that valuable thing, as the case may be,]
as a motive	[or reward such as is mentioned in the said section 161, as the case may be,]
without consideration	[or for a consideration which he knows to be inadequate.]

The straight down reading of the left-hand column gives the main structure of the sentence, explaining that the accused shall be presumed guilty of accepting the 'gratification' as a motive where there is no certainty evidence. According to Bhatia (1993:110), if every phase is read from left to right, there are at least forty-eight ways of accepting gratification: $3 \times 4 \times 2 \times 2 = 48$, but $4 \times 2 \times 2 \times 2 = 32$. Bhatia (1993) describes

that binomial and multinomial expressions are one of the most significant tools for making legislative provisions more detailed and precise.

As a final introduction to Bhatia's (1993) analysis in legislative provisions, three types of qualification for legislative writing will be explained. He divides the qualifications into three: (1) preparatory qualifications, (2) operational qualifications, (3) referential qualifications. He characterizes (1993:115) each qualification as follows:

- (1) preparatory qualifications: which outline the description of case(s) to which the rule of law applies,
- (2) operational qualifications: which give additional information about the execution or operation of the rule of law,
- (3) referential qualifications: which specify the essential inter-textual nature of the legislative provision.

Bhatia (1993) states that there are many legislative provisions which consist of the main provisionary clause and the attendant qualifications. Bhatia (1993) exemplifies this from the British Housing Act 1980. From this analysis, he (1993) points out that there is a connection between the main identical "message" act which is the main provisionary clause and the qualifications.

In the final part of this analysis of written legal discourse, Bhatia's (1993) survey of legal cases will be introduced. Legal cases, or accounts of actual incidents of law, are used in the law classroom, the lawyer's office and in the courtroom. He (1993:119) points out the following four major communicative purposes of legal cases:

- 1. In their full form (also referred to as legal judgements) as in Law Reports, cases serve as authentic records of past judgements.
- 2. Legal judgements (including legal cases) also serve another important function. The judgements and the rule of law (*ratio decidendi*, in legal terminology) derived are meant to serve as precedents for subsequent cases, and are generally used as evidence in favour of or against a particular line of argument or decision.
- 3. Cases, as reported in some casebooks are meant to serve as reminders to legal experts, who use them in their arguments in the classroom or in the court of law. These versions are generally very brief and contain nothing more than the essential material facts and the decision of the judge.
- 4. Cases also serve as illustrations of certain points of law. Such cases are carefully selected and appropriately abridged. They form an important part of a law student's bibliography. They are generally abridged in casebooks and are also used prominently in law textbooks in support of or against a particular point of view. Law students learn the law from such cases.

In order to prove the justification of the above purposes, Bhatia (1993) compares three types of casebooks which all refer to the same case: "Roles v. Nathan". One of the cases is from "Cases and Status on Tort, Bradbury, 1984:107)", the second is

"Casebook on Torts, by D.M.M. Scott, London, Butterworths, 1969, pp:246-48", and the last is from "A Casebook on Tort, by Tony Weir, London, Sweet and Maxwell, 1981, pp. 131-134". The original account of the case (Scott, 1969) gives the following outline of this case before the description:

An occupier may be regarded as having complied with his duty under the Act in respect of a visitor who comes to exercise his calling, either (i) if he gives an adequate warning of danger (s.2(4)(a)); or (ii) by relying on 2(3)(b), which entitles him to expect that the visitor will guard against special risks.

Bhatia (1993) analyses the move structure of the case and provides a detailed account of each move that would be valuable as a resource for teaching students to read casebooks (1993:120-129). The following four-move structures is identified for legal cases.

1. Identifying the case
2. Establishing facts the case
3. Arguing the case
 - (a) Stating history of the case
 - (b) Presenting Arguments
 - (c) Deriving *ratio decidendi*
4. Pronouncing judgement

After some discussion, Bhatia concludes that all the four moves are significant in the structure of the legal cases. Of course, it is not necessary for all cases to contain each of them in detail. Some cases may need a detailed realization, others may not need it. He adds that in some cases, Move 3. does not include all the three sub-moves he identifies. Position changes also occur; for example Move 3 and Move 4 are sometimes reversed. These strategies might depend upon the purpose of the casebook. Bhatia (1993,120) gives, as examples, the purposes of two casebooks. It seems to be the case that a serious consideration of the purposes of the casebooks would be helpful for the teachers of English in Japanese universities.

In the next section 4.2.3, spoken legal discourse analysis will be discussed.

4.2.3. *Spoken Legal Discourse Analysis*

The discussion of several reports on spoken legal discourse will be presented.

Kevelson (1983) examines 'Language and Legal Speech Acts: Decisions'. Kevelson introduces the notion that legal speech acts should not be considered as statements but as question-answer constructions (Kevelson, 1981). Especially, he

focuses on the underlying interactive structure of the Legal Decision, citing Friedman (1975) who comment:

A non-verbal legal act, or sign, may be a badge, uniform, system of traffic signals, or even a legal environment such as court which traditionally conveys the message through certain structural features which set it apart from everyday events.

According to Friedman (1975:26-44), there are three significant kinds of legal acts: (1) Rules (2) Commands or Requests (3) Decisions. Kevelson (1983) states that all legal acts are messages and a legal system is a process of communicating messages by use of legal speech acts. He puts emphasis on the pragmatic level of the legal speech act "Decision". Kevelson (1983:123) states that there are two kinds of legal speech in communication:

- (a) subjective: in which the message is directed to the general public or special-interest public group,
- (b) jurisdictive: in which the message is exchanged between authoritative, and official legal actors.

The following is the concept of *stare decisis* which Kevelson (1983:126) emphasizes: there are two distinctive procedures upon which the legal speech act, or decision, rests.

- (1) procedure by precedent: which requires that in each particular case the judge must appeal to an existing, relevant rule, i.e., to that which is inferred from the Code.
- (2) procedure by equity: in which the judge decides the particular case by "appealing to that which is just or equitable for the particular case".

Kevelson (1983) introduces a brief discussion of some philosophic notions of speech acts. These are not reviewed here as they are outside the scope of this research. In particular, following Austin, he provides an overview of Maitland's study of the forms of action in English Law. Kevelson (1983:129) states that:

speech acts are communicative acts because we require that there be a shared system of conventionalized verbal signs which a speaker can produce at will, and which an audience can "observe" or understand.

Lastly, he summarises "An Analysis of the Concept" (Rayfield, 1972), and then he also applies Rayfield's theory to his own argument concerning the legal speech act of *decision*. According to Rayfield (1972:27-37), "Decision, as well as choice, is an intermediate between deliberation and action." Rayfield (1972) states that there is a problem when one is talking about acts:

For example, to say that X did Y is merely descriptive of the act in ordinary language. However, to say that X did Y in legal discourse is prescriptive. He (1983:129) shows the concrete example of the prescriptive aspects of a legal decision as follows:

the head legal actor finds the accused guilty of such and such, and utters the selected decision, the decision carries with it whole ensuring consequence of legal action against the guilty person.

Hart (1963) points out this prescriptive aspect of legal action as "ascribing responsibility".

Hancher's (1981) paper on speech acts begins by wondering why the Austin-Searle theory of language use has been ignored by lawyers and jurists. Hancher tries to identify a few points where speech-act theory and legal practice could negotiate, then speculates about the sequent connection of them, lastly he recommends the topic as suitable future for study. In particular, the author is interested in the concept of "operative words" quoted from Austin (1970:236):

Lawyers when talking about legal instruments will distinguish between the preamble, which recites the circumstances in which a transaction is effected, and on the other hand, the operative part- the part of it which actually performs the legal act which it is the purpose of the instrument to perform. So the word 'operative' is very near to what we want [to identify the performative concept]. 'I give and bequeath my watch to my brother' would be an operative clause and is a performative utterance.

In ordinary speech, weaker forms are used such as:

You will return tomorrow.
Would you please return tomorrow?

The law, however, often takes explicit performative forms such as:

I hereby order you to return tomorrow.

He (1983:255) exemplifies the pattern of enacting clauses expressed in a passive-voice imperative-mood construction as follows:

Be it enacted by the General Assembly of Laputa that P,

But points out that the following active-voice construction is sometimes allowed:

The General Assembly of Laputa do (hearby) enact that P,

The latter appears to be more radical or authoritative than the former. The purpose of the enacting clause of a statute is to make the public realize the authority behind the act.

Hancher (1981) summarises certain aspects of legal language which can be explained by "Speech Act theory". In short, pragmatic concepts like authority, verifiability and obligation must underlie the language.

Mead (1985) examines courtroom discourse as a variety of spoken English discourse. In particular, he focuses on the discourse of the Malaysians Courts. The

core of his data consists of transcriptions which were made from Malaysian magistrates' court cases and one mock trial in the Universiti Malaya. His survey includes observations made of courtroom proceedings, interviews with Malaysian magistrates, advocates, and police prosecuting and interrogating officers.

Mead (1985, using Berry's, 1981 model of information transmission) distinguishes the analysis of courtroom discourse into three bands of discourse: (1) the way discourse is used in the creation of evidence (2) the creation of evidence through interpretation (3) the negotiation of the record of proceedings.

The main theme of Band 1 (see Appendix 4.18) is the consideration of the transmission of information between witness, counsel, and magistrates. Mead (1985) According to Berry (1981), information transmission requires two interlocutors, a 'primary knower' who imparts information, and a 'secondary knower' to whom the information is imparted. Berry (1981:126) states:

There must be a slot in the exchange where the primary knower indicates that he knows the information and where he consequently confers upon the information a kind of stamp of authority.

However, Mead claims, a counsel alone does not confer upon the information a stamp of authority. The most important findings from Band 1 are that there is an institutionalised authority (right to control) which is enjoyed by magistrates and counsel, and the witness has the role of being controlled.

Concerning Band 2 (see Appendix 4.18), Mead (1985:29) states it is apparent that the witness rarely initiates an exchange and does not make follow-ups at all, and the counsel does not make follow-ups to the magistrate but only to the witness. In addition, response by the counsel and magistrate are not apparently always required. The presence of an interpreter in multi-lingual courts makes the situation even more complex. The second major finding from Band 2 is that the interpreter has to play different roles and he or she makes courtroom discourse confused. Mead (1985:46) displays the basic pattern of courtroom discourse when an interpreter is used with the following example:

1 Counsel : Now where were you taken?
Interpreter : (Chinese)
Witness : (Chinese)
Interpreter : I was taken to the Central Police Station.

(Case 13 : 12.1.1982)

Examples of this type are not common because most courtroom exchanges are very complicated such as this:

1 Counsel	: Did they examine the car before the accident? (INTERPRETER/WITNESS : CHINESE INTERACTION)
Interpreter	: Sir the condition of the car.
Counsel	: It's very simple it's very simple did they examine the car before this incident? Before the accident? (INTERPRETER/WITNESS : CHINESE INTERACTION)
Interpreter	: No.
Counsel	: So your car was parked (behind the trailer)? (INTERPRETER/WITNESS : CHINESE INTERACTION)
Interpreter	: This is not a question of my car being parked the trailer was parked in front of my car.
Counsel	: yes but what I am asking ...

(Case 13 : 27,4,82)

Mead (1985) examines courtroom discourse and shows how the rules of evidence are broken when the counsel tries to help and interpreter to clarify a question. Mead explains the reason for the break down:

Theoretically an interpreter is merely a mouthpiece and not an advocate at all, but in fact, when an interpreter translates counsel's questions into the language of the witness, what happens is that rules of evidence are broken and unless counsel or the judge knows the language, they are powerless to prevent it.
(re Treba Mines Ltd, [1960] 1 W.L.R. 24)

Band 3 (see Appendix 4.18) identifies the negotiation of the contents of the official Record of Proceedings between the participants. Among Mead's significant suggestions in Band 3 is the author's interest in the comparison between courtroom discourse in Malaysia and that in England. Even though English was still widely used in Malaysian magistrates' courts at the time of the study, the Malaysian court clerk was not professionally trained, unlike the English counterpart. Therefore the Malaysian clerks have to take notes on everything which is said in the court even if it is a repetition or follow up to previously stated discourse. The English clerks, on the other hand, only take notes on the content of the discourse. If there is repetition of the same point, they can safely ignore it. This point is a significant cross-cultural aspect of legal discourse analysis (This is discussed further in Section 4.3).

According to Winter (1974), counsel's repetition of a witness' words in the English courts is usually seen as threatening. But in Malaysian magistrates' courts, these repetitions are common and are usually non-threatening. In short, even in Malaysia where English was commonly used as a courtroom language, acts or deeds such as repetition can be realized with different meanings.

Danet, Kermish and Hoffman (1975:4) investigate "Accountability for verbal offences" which considers how courts interpret speech acts (such as *threat*). They consider the following questions:

- (1) How does the law go about making decisions on speech acts
- (2) How does the legal process fit words to deeds when the deeds are words?
- (3) What standards of proof are suggested or used?
- (4) To what extent are the language issues formulated in similar or different verbal offences?
- (5) How aware are the courts of the linguistic issues involved?
- (6) How consistent are they in the treatment of these issues?

In particular, Danet, Kermish and Hoffman (1975) focus mainly upon questioning in the courtroom. The questions were asked both about lawyers' verbal behaviour and about the extent to which lawyers' choices constrain the responses of witness. In order to examine verbal offences, they analyse a set of twelve cases which are categorized as threatening the President of the United States: ((Statute 18 U.S.C. 871 (a) (1970), passed in 1917)).

In the survey of federal statute 871(a), Danet, Kermish and Hoffman (1975) use three different types of approach: (1) the "objective" hearer-oriented approach; (2) the "subjective" speaker-oriented approach; (3) the compromise approach.

They exemplify many cases which are used in both the hearer-based and speaker-based approaches, in particular, the following two cases. An example of the hearer-oriented approach is *State v. Cashman* 217 A 2d 28 Maine, 1966, whereas that of the speaker-oriented approach is *People v. Fox*, 157 Cal. App. 2d 426, 321 P 2d 103 (3rd Dist. 1956). In the former, the court considers an utterance as a threat when the person to whom the threat was directed could understand it as menacing to his person or property. In short, the utterance can be interpreted as a threat, if the hearer has appropriate reasons to believe that the speaker "intended" some kind of injury. In contrast, in the speaker-oriented approach, the court considers a conviction should be made if the evidence warrants finding that the defendant "had intended" his threat to produce fear even if the receiver of the threat was unaffected.

They characterise the two dominant approaches; the hearer-based and the speaker-based, as follows:

The hearer-based approach;

- (1) may be used among persons not well acquainted, as in business or in political life.
- (2) obviously requires far less consideration of the particular life circumstances of the individual who made the utterance in question.
- (3) in an informal situation would be disruptive of a relationship, leading perhaps to increased conflict or even severance of a relationship.

The speaker-based approach;

- (1) be used in the solution of misunderstandings among persons who are well acquainted, family and friends.
- (2) is feasible when the parties involved have a large body of shared knowledge about each other, about their friends and their mutual expectations.
- (3) is less likely to result in a negative legal outcome.

Danet, Kermish and Hoffman (1975) conclude that:

It would be worthwhile to carry out analysis along the lines followed here of such offences as breach of contract, libel and slander, and conspiracy.

Bulow-Moller (1990:1) examines trial evidence, in particular what she terms the strategic use of truth. She states that the real communication in a court room is not between counsel and witness, but between counsel and judge. For the main aim of the counsel is to build "credibility" for her own side of the case such as herself, her witnesses and her versions of the story. Bulow-Moller (1990) analyses the mock trial of Lee Harvey Oswald that was televised in 1986. She (1990) investigates the art of asking many types of questions; (1) the side of offence's (prosecutor's) questions - Mr Bugliosi, (2) the side of defence's questions - Mr Spence of Wyoming.

She (1990:10) summarises as follows:

In theory, counsel are free to interpret when they address the judge directly, in their opening and closing addresses; whereas evidence is supposed to be simply a matter of fact, where the jury hears what took place.

Nevertheless, she claims:

In practice, counsel have at their disposal several strategies that allow them to control the image of the truth, as it forms in the jury's minds - always governed by the credibility they manage to assemble for themselves and their witnesses.

According to Bulow-Moller (1990), there are three prosecutor's goals: (1) to establish a sequence of events, (2) to interpret these for the jury, (3) to scotch doubts that remain in the jury's mind. In order to accomplish their goals, Bugliosi (a prosecutor) uses three types of questions: termed *field*, *fence* and *corral*. (This categorisation was originally made by Walker, 1987).

(1) Field

Bugliosi uses wh-type **field** questions because he would like to establish a credibility through the witnesses's own voices and these are open questions such as, "What did you do next?".

(2) Fence

Fence questions are yes/no questions or indirect imperatives, which usually require a definite answer, such as: “

"Can we know his name?"

"Tell us his name."

(3) Corral

Corral questions are made by a prosecutor when he wants the witness to have less freedom of movement. The style of the questions are very tight yes/no questions or closed alternatives. In principle, of course, leading or loaded questions are prohibited. However, in order to make the judge realize in what capacity the witness has been called, the following **corral** questions are allowed as an introductory stage:

B: Directing your attention to the date November 22 1963, the day of the assassination, were you a police officer with the Dallas Police Department?

W: Yes I was.

B: Were you assigned to ride a motor-cycle in the presidential motorcade that day.

W: Yes sir.

B: The presidential limousine eventually turned left on Elm from Houston?

W: Yes sir it did

B: What was the next thing that happened?

The defence, on the other hand, stands at a different position, and Spence's main goal is to destroy the Prosecutor's monopoly. There are three main goals on the side of defence: (1) re-examine events, (2) re-interpret them for the jury by suggesting alternative explanations, (3) nourish the jury's doubts that they have indeed heard the whole truth. To establish the three goals, the defence uses three types of questions: *wide-shot*, *feint* and *lasso*.

(4) Wide-shot

The main purpose of wide shot questions is to make the witness say "I don't know" as follows:

S: You, erh, made something of a little girl that was turning her head, do you remember that?

W: Yes sir I do.

S: Do you know what was being said to the little girl when she turned her head?

W: ...No.

S: Do you make room for the possibility that her name was, let's say, Mary,.. and that her mother said, Mary?

W: Well [sigh] I guess that is possible..

S: Yes.

S: Have you ever examined a photograph that was, erh, that the CIA phoneyed up?

W: [expels breath, despairing gesture]

S: - to your knowledge?

W: To my knowledge, no.

S: Have you ever seen one that was messed with by the KGB?

W: .. I have no way of knowing.

S: That's right, you really don't know, do you, Mr Kirk.

The Defence only needs to repeat "You don't know" and make the witness repeat "I don't know".

(5) Feint

The defence intends to make the witness watch the wrong hand by setting a series of questions, the first of which is/are misleading. The witness agrees to the first half, and the second half seems to follow logically.

S: Now, you said you checked the area of the Grassy Knoll for powder burns?

W: We checked the foliage, yes sir.

S: For powder burns? How did you check it, visually?

W: Yes sir.

S: Well, did you find any?

W: NO sir.

S: Do you think you would have been able to recognize powder burns in the foliage if you had seen it?

W: I believe so sir.

S: Did you find any powder burns up at the sixth floor at the Texas book depository?

W: I did not.

S: Do you know of anyone in the history of the world that found any powder burns up there?

W: Not to my knowledge, no sir.

S: Thank you, sir.

Bulow-Moller (1990:6) shows that the Grassy Knoll is a **feint**. He explains the reason for the **feint** as follows:

having said that he expected to find powder burns if shots were fired from there, he walks into a knock-down argument when he must admit that the analogous situation, the bookstore, yielded no burns.

(6) Lasso

Concerning the **lasso** questions, the questions are targeted to collect an affirmative answer, in short, the defence aims to make the witness say that she/he had not meant something that they previously said. ("That was not what I meant"). Bulow-Moller (1990:7) exemplifies the **lasso** question as follows:

S: And you know that there wasn't any forensic pathologist at the Bethesda Hospital, where he was examined, don't you.

W: That is correct,

S: As a matter of fact, it wasn't a board certified forensic pathologist that undertook the autopsy of the President, isn't that true?.

W: Yes, I would agree here.

S: And,..is it important autopsies be performed by somebody who has experience?

W: Yes, of course.

.....

S: Now, this is a quotation from your penal: "It certainly", referring to the pictures of the brain, "it certainly did not demonstrate ..it certainly .did .not .demonstrate.. the degree of laceration, fragmentation of confusion.

B: Where are you reading from?

S: -that would be expected in this location if the bullet wound of entrance were as described.

B: Where are you reading from?

S: - were as described in the autopsy report.

Bulow-Moller's research on cross-examination questions is very interesting in terms of the types of common courtroom discourse. The recognition of such types of question in, say, videos of courtroom scenes could provide interesting listening activities in the classroom.

We have examined significant surveys on legal discourse: written and spoken. However, the most crucial point is that this kind of legal discourse analysis teaches us about the way the English language is used and this must help the course designer who is planning to teach English to law students. We must always consider how to use the results of their studies not only of written but also of spoken legal discourse in our own classrooms.

In the next section, I will introduce the characteristics of Japanese Language of the Law and draw some contrasts with English.

4.3. Contrastive Issues (Japanese Language of the Law)

4.3.1. The differences in conceptualization of the law

In comparative legal studies, a number of writers have pointed out the problems of translating legal concepts and of creating new terminology for concepts which are new to a particular culture. Since, as has been explained in Section 1.1, many Japanese laws were based on Western Laws, particular problems have developed that are relevant to English language teaching. This section looks first at some general principles and problems in conceptualization and then moves on to particular examples of legal translation.

Bhatia (1993:137) contrasts the work of Civil Code draftsmen and Common Law draftsmen citing the particular examples of the British (Common Law) Nationality Act and the French (Civil Code) *Code de la Nationalite* (after Millet, 1986). Three significant differences are identified:

(1) the length: the French Civil Code is approx 75 words in length as long. The British Nationality Act is seven times as long.

(2) the use of lexis and phraseology, which is much more technical and specialized in the British Act.

(3) the complex lexical mapping devices that are essential in the long British Act.

In addition, Bhatia (1993:139) points out that the most important thing about the different styles of writing comes as a result of two very different legal systems. In short, the Code is based on the French legal system which depends on the judiciary to interpret and apply the general principles of the Code to specific situations whereas the Act is based on the British legal system where decisions may be made by consideration of all previous cases of a similar description. Therefore, Bhatia (1993) concludes that in common law writing, certainty of expressions should be regarded as the most significant element because the legal system does not allow scope for vagueness in judicial interpretation. However, while Bhatia is correct in his interpretation of the difference between the Code and the Act, we need to remember that he is comparing a translated Code with an untranslated Act. Serious consideration needs to be taken of the problems of translation because the translated text does not always mean the same as the original. In particular, some concepts of legal terms are likely to be different depending on whether the legal system is based on Common Law or Civil Code (see Section 1.2.)

Harris (1989) notes that significant lexis in specialists texts will be sometimes dependent on wider associations for its signalling power. As previously described (see Section 4.2.1), Harris (1989) suggests that the use of Anaphoric Nouns (A-Nouns) is important in the legal discourse analysis. He does not use the ordinary categorisation such as specialised, sub-specialised and non-specialised lexical items. He (1989:6) explains that it is very difficult to make clear cut distinctions between specialised and sub-technical vocabulary in a legal context. Sometimes the procedural (structure) and the substantive (content) of lexical items may significantly overlap.

He argues that, in law, some connotations may take the readers deep into areas of disciplinary skill and knowledge. For example, Harris (1989:5) says:

the referential qualities of English Common Law vocabulary are peculiarly illusory.

In general, professional languages are classified according to their own status. Harris (1989:6) quotes Goodrich's (1986:151) idea as follows:

...the words such as right, duty, obligation, corporation, contract and so on do not refer to specific legal functions... a term or a phrase is associated with or connotes numerous other legal and semantic associations. It is, in some respects, precisely

because legal language does not refer directly to empirical processes or social relations, that is frequently argued to be a distanced and specialised language: it is self-referring or auto-referential, it is technical in the sense that other professional or scientific languages are technical, primarily because of their need to classify extra-linguistic processes and relations - as for instance, medicine, psychiatry, business or education.

Harris (1989) admits that most varieties of language necessarily obtain degrees of self-referentiality and that insider knowledge of this factor is at a premium in writing and reading professional texts. It is the width of association and conceptual density that sets legal language apart.

Harris (1989:6) also discusses the use of the word 'consideration' in legal texts, such as case reports, for example:

"If the servant (merely) took a longer road... it is a question of degree as to how far the deviation should be confederated a separate journey. Such a CONSIDERATION is not applicable in the present case."

This is interesting since, in Japanese law, there is no concept of CONSIDERATION. Thus, it becomes very difficult, not only for university students but also for legal specialists, to recognise the different meanings of CONSIDERATION (see Hayakawa (1993) in Section 4.1).

Hansen (1981) proposes a system-oriented method for training student translators and interpreters of legal texts in Danish and English. He comments (1981:156):

When applying the system-oriented method the teacher would first give the students an outline of the systematics and the basic concepts of a given subject, thus setting the target terms in their functional reality, each term deriving part of its meaning from its place in the system.

Hansen (1981) makes a comparison with the distortion of marriage contracts in England and Denmark: it seems there is no direct translation for terms in English and Danish, therefore, each term must be considered from point of view of system to which it belongs (England or Denmark). His suggestion is directly applicable to thinking about the translation of legal terms between English and Japanese.

Before discussing the Japanese language of the law, some concrete consideration of the Japanese people's approach toward the law will be made, not focusing on the language. As has previously been explained in Chapter 1, Japan has used aspects of Western Laws since the *Meiji Era* (1868-1912). Japan may appear to have adopted aspects of the Western legal system, but it is doubtful whether the

Japanese people have completely recognized the concepts of Western Law. Ohki (1988) states that the attitude toward law has never essentially changed even though Western Law has ruled.

Hasegawa (1985:73) compares the differences between the Japanese and the Western people's attitudes to contracts or "consciousness for contract" as would be said in Japanese. In particular, he stresses the word "contract" may be significantly contrasted because the sense of "contract" in Japan is completely different from the sense in Anglo-American Law (Common Law):

The characteristics of the Japanese peoples' thinking may appear to be the harmonization of relationships between the people. They often hesitate to qualify and define the elements of their contracts. Notwithstanding, the western people think more logically, so the relationship between the persons through the contracts is logically regarded as a place of individual conflicts. Western people are pleased to qualify and define the detailed conditions of each contract. They have customs to make legal documents in order to exemplify their rights and duties.

Because Japanese were *tanitsuminzoku* (a single homogeneous people) and *nokominzoku* (agricultural people)", they solved their problems without public conflict solutions such as trials. They have not been pleased to argue for individual rights. On the other hand, in the Western world, as the people are mixed and they were engaged in hunting, they have to guard themselves. Therefore, they have had to demand their own individual right.

At a first appearance, his clear distinction may help readers to understand the difference between Japanese people and Western people. However, it should be noticed that his categorisation is radically biased. For example, the following distinction seems to be questionable:

In Japan, a "contract" between God and human beings does not essentially exist. The Japanese have never conceived of the idea of a contract between God and mankind. In the Western world, in the Judeo-Christian tradition, the contract between God and human beings is culturally basic; people have to keep their promises in order to keep a contract with God.

The succession of Western Law since the *Meiji* Era cannot effectively govern the way of Westernised legalism. In particular, the Japanese think highly of "*haji*" (shame) or "*sehyo*: (reputation in public) rather than law. Western countries have governed by the legal philosophy since Roman Law; Western people think highly of "rule", therefore they generally accept that contracts should absolutely be kept.

Japanese have their customs which divide the *hare* (formal life) from the *ke* (daily life). Contracts are classified as *ke* which is regarded as a part of the non-holy world. In contrast, in the Western world, as the Bible says, "At first, the logos exists", the logos means God himself. The language of the contract is regarded in same sense as 'holy'.

In consequence, Hasegawa (1985) claims that the Japanese people regard a "contract" as a starting point in building a creditable relationship among the people. In short,

Japanese are not apt to think highly of a contract unlike Western people. Western people regard a contract as a final point which has been reached after meetings and discussion. Hence the contract should strictly set the parties' rights and duties. This Japanese idea of a contract is only one of the examples of attitudes which are different from the Western ideas, even in dealing with the international laws.

Haley (1991:3) maintains that the characteristics of Japanese people in the legal system include:

ideological concern for the preservation of personal ties of kinship and loyalty, avoidance of conflict, as well as mediation and conciliation in the settlement of disputes. Also apparent is a tendency to avoid legalistic approaches in the ordering of personal and corporate relationships, coupled with an almost fatalistic sense of the futility of most attempts to control or regulate the future, exemplified in a reticence to rely on law, whether contracts or code, as the primary instrument of social ordering.

Haley (1991) exemplifies a concept of "rights (*kenri*)" and "duties (*gimu*)" which are seen in the central legal tradition as derived from Roman Law. In short, he (1991:11) explains that:

Roman Law was after all primarily a system of rights defined as the claims of individuals to protection by specific procedures and remedies.

Haley (1991) states that the notion of a legal right in Western law expresses the capacity of the individual to activate and to control the process of informing legal norms.

According to Haley (1991), a concept of rights in Japan was not required before the adoption of Western legal institutions. There were no rights but only duties, which were included in codes and statutes both administrative and penal. He stresses that, in those days in Japan, the word "law" meant punishment. Ohki (1988) had expressed a vary different point of view. He had noted that the absence of the translated word "*kenri*" (right) did not necessarily indicate that the absence of the concept of rights. He argues that there must have been a similar concept of right even before the *Meiji* Era. But regardless of who is right, it is worth while recognizing that the strong conciousness of law in Japan was focused on public law, not private law. In addition, by adopting not only the basic ideas (concepts) but also the legal language of Western law, the Japanese officers in the *Meiji* Era had to create words to translate from English, French or German into Japanese. One of the most difficult tasks for them was to produce new legal technical and words for concepts which, if they existed, had never had terms to express them in Japanese until then.

4.3.2. *The translated legal language of Japanese*

This section considers some specific cases of the translation of Western legal technical words into Japanese.

One of the main roles of the English Teachers in Japanese Law Departments is to teach students how to translate legal texts from English into Japanese. However, there are major problems in the nature of legal translation even when it is done by experts. Okubo (1981:156) discusses the general difficulties in translating the language of the law as follows:

- (1) Law is more abstract in comparison with scientific fields such as medicine.
- (2) Law is a part of the culture of a society.
- (3) Legal varieties are essentially connected with the whole cultural situations of the society.

Therefore, Okubo (1981) states, if a legal system is based on a different culture or a different society, new legal words have to be produced. For the total amount of legal language available before the transfer is necessarily insufficient to cope with the new conceptual framework. Hence, when this first happened in Japan, some new technical legal words had to be coined using "*kanji*". Aomi (1981) discusses many new legal words which were translated and established into Japanese during the *Meiji* Era. In order to adopt not only western cultures but also western technical legal words such as "*kenri*" (right), or "*shizen-ho*" (natural law), the lawyers and translators in those day used the "*kanji*" which were based on Chinese characters. In short, by expressing much new legal vocabulary by "*kanji*", Japan could quite easily and rapidly access the western culture and technical words. Hino (1994) states the strong characteristics of "*kanji*" as follows:

- (1) readers can read the meaning of a character
- (2) readers can obtain much information even from a character
- (3) "*kanji*" can be made into new words through collocation, for example: the translated word "*kenri*" (right) is produced through the collocation of "*ken+ri*" (power+reason). Hino (1994) explains that "*kanji*" can be used as a filter when different cultures and languages are imported to Japan (see Section 2.2).

During the *Meiji* Era (1868-1912), many translated legal words were produced by use of the above characteristics of Chinese characters (*kanji*). There were two types of translation of legal words:

During the *Meiji* Era, the word "freedom" or "liberty" was translated into "*jiyu*". Before the *Meiji* Era, the word "*jiyu*" had an unfavourable connotation, being associated with the idea of pleasing oneself or behaving in a selfish way. However, the meaning of translated word "*jiyu*" (freedom: the right to express any political or religious opinion and live or act without the government or any external power interfering) is quite different from the concept which the word "*jiyu*" had already had.

To take a second case, the word "justice" was translated as "*seigi*" in Japanese. Before the *Meiji* Era, however, the concept of "justice" had not existed in Japan. The nearest word was probably "royalty" (*tyugi*). "*Tyugi*" is composed of "*tyu*" (royal) and "*gi*" (duty). The translators applied this collocational pattern to translating "*seigi*" (*sei* + *gi*). By use of "*sei*" (true) instead of "*tyu*", the word justice was translated as the produced word "*seigi*". The translators and lawyers had to produce a new legal technical word without any reference point in the existing language.

The following is a collection of the translated legal words which were produced after the *Meiji* Era: Hozumi, C (1916) introduces the translated legal words: "*horigaku*" (jurisprudence), "*kempo*" (Constitutional Law), "*mimpo*" (Civil Code), "*kokusai-ho*" (international law), "*kokusai-shiho*" (international private law), "*horei*" (laws and regulations; laws or ordinances), "*junkyo-ho*" (applicable law), "*jiyu*" (liberty or freedom), "*minken*" (civil right), "*shinken*" (parent's rights), "*boho*" (law of one's own country), "*hokei*" (legal system) and "*kaisha*" (company). Hozumi, J. (1934) introduces the words: "*kenri*" (right), "*hito*" (person), "*dairi*" (agency), and "*daihyo*" (representative or deputy). Saito (1978) examines the following legal technical words: "*shakai*" (society), "*kojin*" (individual), "*kaisha*" (company), "*hoken*" (insurance), "*ginko*" (bank), "*tetsugaku*" (philosophy), "*shugi*" (-ism), and "*enzetsu*" (speech). Yanafu (1982) also discusses the history of the legal translated words: "*shakai*" (society), "*kojin*" (individual), "*shizen*" (nature), "*kenri*" (right) and "*jiyu*" (liberty and freedom).

However, regarding the nature of the new legal lexical items, Okubo (1981) wonders whether or not the new legal language comes with precisely the same meaning and connotations as the original meaning.

Regarding the legal translation before the *Meiji* Era, Okubo (1981) states that educated translators were not familiar with the society of the western countries or with

the European's way of thinking. For example, according to Okubo (1981), there are the words "president" and "counsels or agents" in the English version of the first modern treaty "*Nihonkoku America Gasshukoku Washin Joyaku*" (Treaty between Japan and the USA) in 1854. In the Japanese translation, however, the appropriate translated words cannot found. We can suppose that the translators were not familiar with the word "president" or "counsels" and that these words were not translated. From a different point of view, Yanai (1981) also maintains that there are difficulties in the Japanese language of the law, in particular, the many uses of *kanji* (Chinese characters), which sometimes cause difficulties for readers. He (1981:106) exemplifies this point with the first modern treaty the above "*Nihonkoku America Gasshukoku Washin Joyaku*" (Treaty between Japan and the USA) in 1854:

(Provision 4)

Those shipwrecked persons and other citizens of the United States shall be free as in other countries, and not subjected to confinement, but shall be amendable to just laws.

It is apparent that this provision can be read without difficulty in English even today. On the other hand, it is almost impossible for a Japanesespeaker, educated since the second world war to recognise the meaning of the provision or even to be able to read the provision itself because the whole context is written only in Chinese characters. (Note: Nowadays, the Japanese language is written both in *hiragana* (Japanese characters) and *kanji* as a mixed style.

In this section, I discuss the characteristic points of the word "*joyaku* (treaty)", and "*jiken-jijitsu* (facts of the case)".

Yanai (1981) examines the word "*joyaku*" (treaty). According to *the Vienna Convention on the Law of Treaties* (1969:681) in respects of Treaty Law (1969), the word "*treaty*" is defined as follows:

"treaty" means an international agreement included between states in written form and governed by international law, whether embodied in a single instrument or in the two or more related instruments and whatever its particular designation.

Black's Law Dictionary (1979:1502, 6th.ed.) says that "treaty: is:

- (1) A compact made between two or more independent nations with a view to the public welfare.
- (2) An agreement, or contract between two or more nations or sovereigns, formally signed by commissioners properly authorized, and solemnly ratified by the several sovereigns or the supreme power of each state.
- (3) A treaty is not a law but a contract between two nations and must, if possible, be so constructed as to give full force and effect to all its parts.

Yanai (1981) states that, in treaties, it is incredibly difficult to translate an original version into a Japanese version. The more fluent the Japanese version becomes, the more different from the meaning of the original version it turns out to be. The original versions are mainly written in English or French.

Yanai (1981) points out that one of the most difficult tasks in translation is the difference of the different cultural expectations behind the word or a disagreement about the concepts which the word covers. In general, the words in treaties are often also used in domestic laws. However, Yanai (1981) warns that even if a word is used in both situations, the word in a treaty does not always have the same meaning as in domestic laws. For example, if there is a word "*hudosan*" (immovable property) in a treaty, it is not possible to interpret "*hudosan*" (immovable property) with its sense in a domestic context. In some countries, the word "*hudosan*" (immovable property) or its equivalent includes lands or buildings, and in others it includes underground water. From the point of view of the recognition of the concepts of the legal words, careful consideration should be taken in interpreting treaties.

Hatano (1981:224) characterises five elements in administrative legal drafting as principles to be followed by the drafters:

- (1) formality
- (2) politeness
- (3) objectivity
- (4) homogeneity
- (5) clarity and conciseness

Because this was advice for French administrative legal drafting, it is, of course, difficult to adopt all the characteristics in Japanese legal drafting. Hatano (1981) suggests the adoption of (1) formality, (3) objectivity and (5) clarity and conciseness. Hatano (1981) gives example of "facts of the case", which is translated as "*jikenjijitsu*". It is apparent that the meaning of the former "facts of the case" can be concrete facts. On the other hand, the word "*jikenjijitsu*" is very abstract, so the Japanese cannot imagine that "*jikenjijitsu*" implies concrete facts. One of the characteristics of "*kanji*" (Chinese characters) is that the meanings are abstract. Kanji has no tenses, and no genders. As a result of the adoption of "*kanji*" (Chinese characters), most legal documents as well as legal technical words become so abstract that Japanese people cannot appreciate the true meanings of the terms.

Similar problems occur with translations from Japanese into English. The following is the English version of Article 242. from the Civil Code of Japan (1995) , published by the Ministry of Justice (1992:42)

(Adjunction of immovables)

Article 242. The owner of an immovable acquires the ownership of any thing united thereto as accessory; however, this shall not effect the rights of another person who has attached such thing by virtue of a title.

A further example of translation problems (from Shimizu 1981:141) is of Provision 31 which is taken from the Road Traffic Law. In English translation (Ministry of Justice), this reads:

Article 31. A vehicle must, if it has overtaken a street-car which is at half for getting on or off passengers, keep standing at the rear of said street-car, until the passengers of said street-car finish getting on or off, or until such time as there is none left of the persons who have alighted said street-car and said vehicle. Provided that, the vehicle may, if there is a safety-zone set up for the persons setting on or off said street-car, if is possible to maintain on the left-side of said street-car a clearance of 1.5 meter or more from said street-car by slowing down.

In addition to the obvious complications, there are clear differences between the versions. In the Japanese version, the word "*togai*" (competent; proper) is repeated nine (9) times. There is no equivalent word in the translated English version.

Lastly, Shimizu (1981:142) states that there are five 'diseases' in the modern legal documents in Japan as follows:

- (1) Sentences are too long;
- (2) Words are too heavily modified;
- (3) Subjects and verbs are widely separated;
- (4) Subjects are omitted;
- (5) Conditional phrases are very frequent.

Some of these characteristics seem familiar from the discussions of English legal language and no doubt more research is needed not only into the differences between English and Japanese in the legal context but also into the similarities.

4.4 Conclusion

This chapter has attempted to survey the literature relating to characteristics of the language of the law. The nature of Legal English was considered first, from the point of view of lawyers and other non-linguists. Then analytical work on legal texts and legal discourse was surveyed. Finally, work in contrastive discourse was considered along with the particular problems of translating between English and Japanese.

English Teachers in Japanese Law Departments should understand these characteristics of legal language not only in English but also in Japanese. In particular, the problems of translation should be indicated to students of English language since present methods of give the mistaken impression that good translation is simply a matter of applying formal techniques such as those taught in *yakudoku* classes. Neither teachers or students are generally aware of the characteristics of legal English, but there is little doubt that the study of these characteristics could help students to read more easily in the field.

We now come to the final part of this thesis, which reports on the present research. In Chapter 5, I investigate legal lexis for teaching purposes and in Chapter 6 I report on an attitude survey among teachers and students, before (Chapter 7) finally presenting my recommendations for revisions in the teaching programme.

In the next chapter, I discuss the present research into the lexis and phrases of legal textbooks, showing how it differs from that in the lexical lists recommended by other authors for use in syllabuses.

PART III RESEARCH AND EVALUATION

Chapter 5

The Lexis of Legal Textbooks

In this chapter, I present some findings from the analysis of lexis in chapters from legal textbooks used in the Department of Law in Keio University.

5.1. Introduction to the Corpus in Legal Lexis Analysis

5.1.1. Background and aims of the analysis

The following passage was a part of the entrance examination for the master's and doctoral courses at Law School in Keio University in 1994. The question asked candidates is to translate this passage from English into Japanese. In particular, the candidates had to give appropriate equivalents for the italicised words:

The idea of *natural law* is an intriguing one. Something like it was approached to in the Nuremberg Trials after the Second War, when high Nazi officials were charged with crimes recognized as such by the general conscience of civilized humanity. In a somewhat less dramatic way, the same idea is involved, as we shall see, in the way cases are decided at *common law*, as judges follow their collective sense of what justice requires even when there are no posited *statutes* to guide them; and also in the way jurists in *civil law* systems think of legal rules as unfolding rationally and logically from the articulation of first principles. In all these ways, '*the rule of law*' may involve the application of moral standard that go beyond the particular decrees and commands issued by legislating sovereigns.

(quoted from Waldron 1990: 35)

According to law teachers who marked the answer-sheets, there were interesting and significant common errors. In particular, the students could not translate correctly the italic phrases *common law*, *civil law*, or *the rule of law*. Although they translated some of these words as separate independent items, students could not reply appropriately because they did not understand the specialised meanings of the phrases. Since the words are individually found in the wordlist of the Ministry of Education, Science and Culture, the pre-university students who had finished upper secondary school might have been expected to know them. (see Appendix, 5.1). However, it is certain that most university students cannot distinguish the difference between the general and specific use of words and students do not seem to have studied *connotations* or the meanings of *fixed phrases*. Among the many research priorities in

legal discourse (Section 4.2), in considering the Japanese university English language teaching situation, the problem of lexis and phraseology appeared to be worth investigating.

Hence, this research has four main aims:

- (1) The first aim is to consider the question of the relationship between general academic lexis and legal lexis.
- (2) The second aim is to consider how far school syllabuses and proposed advanced syllabuses can prepare students for reading legal textbook.
- (3) The third aim is to produce a list of essential vocabulary for reading in law, based on the analysis of the corpus.
- (4) The fourth aim is to consider the collocational patterning of the lexis in the corpus and to produce a list of common legal phrases that will be of use to students.

These aims are now discussed in more detail.

The first aim of looking at the relationship between general academic lexis and legal lexis is important for considering how far general courses will help Japanese students cope with reading legal texts in English. An important starting point is that many words have both a general and a legal use. Students may be familiar with words such as *bench* and *hearing* in one sense, but they may have no familiarity with the ideal use of these words. As mentioned in Chapter 4, Mellinkoff (1963:12) and Hayakawa (1992:25) identified a list of 48 words which they claimed could be used with either general meanings or legal meanings. It seems that the list was constructed intuitively rather than from an objective study of texts. Many of the words have more than one general meaning as well as the legal meaning. As part of the present study, I compared the list of 48 words with the following words lists:

- (a) the wordlist from the Ministry of Education, Science and Culture (1994) (M.E.),
- (b) the 3000 wordlist given by Nation (1994) (Nat.),
- (c) JACET Basic Words 4000 wordlist (1993) (Jac.)

Table 5.1 lists Mellinkoff’s 48 words and shows in which of these lists each word appears. For example, whereas one of the words; *find* is found in all lists, the word *covenant* is not found in any list:

Table 5.1: The 48 Words in three lists

(words)	M.E.	Jac.	Nat.
action		v	v
alien		v	v
appearance		v	v
assigns		v	v
avoid		v	v
bar		v	v
bench		v	
charge		v	v
conclude		v	v
consideration		v	v
counterpart			v
covenant			
damages		v	v
deed		v	v
demise			
demur			
exception		v	v
execute		v	
find	v	v	v
hand	v	v	v
hear	v	v	v
hearing	v	v	v
hold		v	v
instrument		v	v
letters	v	v	v
master		v	v
motion		v	v
move		v	v
of course		v	v
party		v	v
plead		v	v
prayer		v	v
prejudice			v
presents		v	v
provided		v	v
purchase		v	v
said	v	v	v
save		v	v
serve		v	v
service		v	v
show	v	v	v
specialty		v	v
standing	v	v	v
suit		v	v
tenement		v	v
trial		v	v
try	v	v	v
virtue		v	v

It can be seen that most words appear in the Jacet list and in Nation's list, but these lists do not specify the *legal use* of these words but only a *general use*. Thus, we can expect students to have some familiarity with the words listed above, but it is not likely that they will have met them in a legal sense. Hence, I will identify which of the above words appear in a corpus of textbook chapters and whether or not they appear with the legal use. This will provide some identification of likely problems with terminology.

In connection with my second aim of finding out how far school syllabuses and proposed advanced syllabuses can prepare students for reading legal textbooks, I compare four vocabulary lists: the Ministry of Education list, Nation's list, JACET list and a list provided from the present corpus of legal textbooks. This will be seen to demonstrate that there are clear similarities and differences between the lists that need to be considered in course planning.

To fulfil the third aim, I produce a list of essential vocabulary, based on the analysis of the corpus in comparison with the other lists. The new list consists of words that need a clear teaching focus since they are likely to present problems for students who are left to their own devices of guessing or using non-specialist dictionaries.

As we saw in the first part of this section, for legal teaching purposes, words cannot be considered as isolated items. Concordancing programmes can reveal stock phrases that are repeatedly used in text. These phrases have specific meanings which are distinct from the meanings of the separate individual words. To fulfil my final aim, I identify the common collocational patterns in the corpus and provide a list of them, which can be used as a teaching resource.

5.1.2: Selection of corpus, genre and field

The corpus used in this study is a computer-based one, consisting of four chapters from four undergraduate law textbooks in English which are used in Keio University Law Department. The size of the corpus is limited to 23,134 words. This is not large in comparison with some previous law corpora, such as Hare's 63,803 word corpus (1993), but I believe that it is large enough for the purpose given in 5.1.1. As is stated there, this research has four main aims (1) to consider the relationship

between legal and general use, (2) to illustrate the difference between Japanese school syllabuses and proposed advanced syllabuses in reading legal textbooks, (3) to provide a list of essential vocabulary for reading these legal textbooks, and (4) to consider the collocational patterns of the lexis in the corpus and to make a list of common legal phrases.

As will be seen from the lexical analysis, the corpus is big enough to show that the present words lists for schools and universities do not include much of the lexis in the law textbooks (see Section 5.2.2.). This demonstrates that if students wish to read their required law books, they will need special reading courses. In addition, the corpus is large enough to illustrate the importance of legal phraseology (see Section 5.2.4.) and the necessity for teaching words in context. However, this corpus is clearly not large enough to fully characterize legal lexis or legal phraseology in English and, moreover, it is limited to the genre of textbooks since these are needed for immediate reading. Hopefully, this sample analysis will lead to further research using similar concordancing techniques.

Since in the present study I wished to analyse the lexis of typical chapters from these books, I decided not to use introductory chapters since these were not mainly on the special subject of each book. To help with the selection, I asked law professors, who were really using these textbooks in their law courses, to choose an essential chapter from each book. For example, I selected Chapter 5 from Textbook B: *An Historical Introduction to Private Law* with the assistance of a Law professor who told me that this contained the key elements of the whole textbook. Other selections from each textbook were made by the same strategy.

The 23,143 word corpus used in this study is a computer-based one, consisting of 4 types of undergraduate law textbooks in English used in Keio University in 1993. They represent four different branches of law. The following is a description of each textbook represented in the corpus:

(Textbook A): Basic Foreign Law

- (a) Williams, G. (1982, 11th ed.) *Learning the Law*. London: Stevens.
- (b) Genre & Field : a textbook introducing legal studies
- (c) Chapter 1 : The Divisions of the Law (pp.1-23)
- (d) Words : 1,643 types, total 7,404 occurrences
- (e) File : G:7ANA1A.DOC
- (f) Course : Foreign Law. 3rd and 4th year

(Textbook B): Legal History

- (a) Caenegem, R.C.V. (1988) *An Historical Introduction to Privat Law*. Cambridge: Cambridge University Press.
- (b) Genre & Field : a textbook in Law History
- (c) Chapter 5 : The Nineteenth Century: the Interpretation of the Code Civil and the Struggle for the Law (pp.147-169)
- (d) Words : 1,737 types, total 6,973 occurrences
- (e) File : G:7ANA6A.MSW
- (f) Course : Seminar as European Legal History. 3rd and 4th.

(Textbook C): International Law

- (a) Folsom, R.H. Gordon, M.W. & Spanogle, Jr., J.A. (1986) *International Business Transaction*. St. Paul West Publishing Co.
- (b) Genre & Field : a textbook of Business Law (English and American Law)
- (c) Chapter 2 : The Actors: The Nations and Institutions of International Trade, (pp.10-25)
- (d) Words : 1,635 types, total 7,147 occurrences
- (e) File : G: 7ANA3A.MSW
- (f) Course : Seminar as English and American Law. 3rd and 4th year

(Textbook D): Foreign Law

- (a) Taira, R. (1984, 4th ed.) *Kyozai America-Ho* (Textbook of American Law). Tokyo: Otori-Sha.
- (b) Genre & Field : a textbook of Foreign Law (English and American Law)
- (c) Chapter 7 : The Analysis into the Statutes in UK (pp.368-373)
- (d) Words : 683 types, total 2,719 occurrences
- (e) File : G:7ANA4A.MSW
- (f) Course : Foreign Laws. 3rd and 4th year.

In analysing each textbook, the following six categories of words were eliminated from the corpus lists. This follows the normal procedure in concordance list making, and makes it easier to compare lists:

1. Personal and place names and their derivations.
2. Foreign words, that is, those entries in italics. (e.g. *ratio decindi*)
3. Hyphenated words. (e.g. *ill-disposed*)
4. Compound words with *-like*, *-shape*, and *-wise*
5. Interjections. (e.g. *ah*, *alas*)
6. Abbreviations. (e.g. *a.m. st.*)
7. Individual letter. (e.g. (a)(b)(c) with the extreme of v. (versus))

The following modifications were made:

- 1. The various inflected forms of nouns, verbs, and adjectives were combined into a single citation form (the lexeme).
(e.g. *gratifying, gratified, and gratifies ->gratify*)
- 2. Words with the adverbial suffix *-ward* or *-wards* were listed only in the form without the -s.
(e.g. *towards ->toward*)
- 3. Words spelled differently in British and American English were primarily listed under the British spelling
(e.g. *behavior ->behaviour, analyze ->analyse*)

The lexis in the textbook was analysed with the help of The Longman Mini-Concordancer. The selected chapters were converted to electronic computer readable text by use of an optical scanner. The scanned text was edited to eliminate scanning errors.

Let see Table 5.2:

Table 5.2: Textbooks in Longman Mini-Concordancer

Textbook	Words (Token)	Occurrences (Types)
A	1,643	7,404
B	1,737	6,973
C	1,635	7,147
D	683	2,719
TOTAL:	5,698	24,243

The columns of 2 and 3 of Table 5.2 present the corpus of the four texts. Column 2 is the number of different words (types) and column 3 is the number of occurrences of the words (tokens). The bottom line reports the totals of columns 2 and 3.

5.2. Lexis in Legal Texts

5.2.1. The survey of the language of the law: The use of special meanings words

In this section, I will focus on recognizing how the indicated 48 words (from a comprehensive list given by Mellinkoff (1963) and Hayakawa (1992)) are used with the general meanings and specialized meanings in the legal textbooks which I have analysed:

Only 38 words from Mellinkoff's (1963) and Hayakawa's (1992) 48 words were found in the corpus. 10 words did not appear.

As working definitions of general meaning, I have used those given in Collins Cobuild English Language Dictionary (1987). To save space, these are not reproduced in this chapter. Definitions of words with their legal meanings are given and these are taken from COBUILD, or Black's Law Dictionary (Bl.L.D.), or Ballentine's Law Dictionary (B.L.D.), or the Concise Law Dictionary (C.L.D.).

As an example, let us introduce the method of analysis with the sample of the word *action* as follows:

(1) **action**

According to the 3,000 wordlist given by Nation, the general meaning of the word **action** is as used in the following sentences:

His **action** saved the city.

He is a man of **action**.

However, **action** has also a different meaning in legal studies since it is used to mean a law suit.

(Legal use) N COUNT
An **action** is a legal process in which you ask a court to order someone to stop doing something or to pay compensation for damage they have caused.

Let us compare the findings from each textbook. The word "action" occurs in 24 lines. In the tables the letters A,B,C,D represents the textbooks:

- A: *Learning the Law*
- B: *Introduction to the Private Law*
- C: *International Business Transaction*
- D: *Kyozai America-Ho*.

Table 5.3: Action

	A	B	C	D	Total
Occurrences	11	5	0	8	24
General use	0	5	0	0	5 (20.8%)
Legal use	11	0	0	8	19 (79.2%)

Surprisingly, in every instance in (A), **action** is used to mean a law suit. The examples of the word will be introduced as follows (Line level in the concordance):

- (A) 6 crime, and a civil **action** for the tort and for the
6 tiff in the latter **action** will not damages twice

6 has two causes of	action ; he will get only one
7 time, the right of	action in tort and the right of
7 t and the right of	action in contract are vested
10 es (e.g. brings an	action against) a defendant.
11 e other. "Criminal	action," for example, is a
19 ral such courts in	action at the same time. Going
35 t gives rise to an	action for damages irrespective
71 hich commences the	action , and they are exchanged
76 sclose no cause of	action , "True, I gave you
(B) 46 a tool for social	action , rather than the
67 d on the 'forms of	action' , each form being
67 century so that an	action , like a Roman actio,
67 ished the forms of	action , it therefore overturned
69 The old forms of	action were abolished, and
(D) 1 cannot maintain an	action if it appear that he was
5 u.1.1. This was an	action on the case for
9 me, I may bring an	action . Bayley J. The plaintiff
11 ur to support this	action , an obstruction in the
17 unpaid, whereby an	action hath accrued to the
17 reason whereof an	action hath accrued to the
18 asses, although no	action can be maintained for
36 ial defence to the	action . But, secondly, it is

A representative use of the specialist use of a word will be also displayed in a complete sentence as follows (Sentence level):

(A) The result is that two sorts of legal proceedings can be taken against him; a prosecution for the crime, a civil **action** for the tort and for the breach of contract. (p.2)
[Legal]

The analysis will then be followed by a short commentary indicating any interesting features in the use of the word and any characteristic collocations. In the case of legal **action**, for example, it can be seen that all instances are used with an article (mainly *an*) or determiner except for those modified by *civil*, or *criminal* or in the phrases: *the right of action*, *causes of action*.

The result of the analysis of the rest of the words follows:

(2) alien

(Old Legal use) V
To transfer or make over to another; to convey or transfer the property of a thing from one person to another; to alienate. Usually applied to the transfer of lands and tenements. (*Bl.L.D.*).

Table 5.4: alien

	A	B	C	D	Total
Occurrences	1	0	0	0	1
General use	1	0	0	0	1 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)

(A) 58 monopolies, the control of **aliens**, employment

(Sentence level)

(A) The impact of Community Law, though at present somewhat limited, grows continually; it is to be seen in company law, trade marks and other "industrial continually," the law of monopolies, the control of **aliens**, employment law, social security, customs, and some other economic areas.

(p.16)

[General]

Findings:

The word **alien** is only used in its general sense. However, since aliens are often the subjects of legal action in international law, the word auguably has a special place in the uses of legal English.

(3) appearance

(Legal use) N COUNT:IF+PREP THEN *in*

Someone's **appearance** in a court of law is their attendance there in order to answer charges made against them.

Table 5.5: appearance

	A	B	C	D	Total
Occurrences	0	0	1	0	1
General use	0	0	0	0	0 (0%)
Legal use	0	0	1	0	1 (100%)

(Line level)

(C) 97 the type of court **appearance**. Thus, the costs of

(Sentence level)

(C) Work may be done in some area by hourly rates not dissimilar to the practice of the United States, but in others the fee may be established by national legislation depending on the value of the subject matter, or for litigation, the type of court **appearance**. (P.25)

[Legal]

(4) assign

(Legal use) **assigns**: N. Plural of **assign**.

Persons to whom a right of property is assigned; persons who have, will, or may receive something by assignment; assignees or potential

assignees. The word **assigns** is customarily used in tandem with "successors" in the term **successors and assigns**. (B.L.D.)

Table 5.6: assign

	A	B	C	D	Total
Occurrences	0	0	0	1	1
General use	0	0	0	1	1 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)

(D) 32 Special demurrer, **assigning** the following causes;

(Sentence level)

(D) Special demurrer, **assigning** the following causes: that the plea amounts to not guilty; that it is argumentative, and the allegations in it are averments of evidence and not of facts; that it consists of matters of law, not of matters of fact on which any material issue can be taken, &c.

[Legal]

Findings:

The word **assigning** is used with its general meaning. In particular, it is used in Textbook D when quoting from a case. Even in a case, it is apparent that the word **assign** is not always used with a legal meaning.

(5) avoid

(Legal use) V+O

A person is said to avoid a contract when he repudiates it and sets up, as a defence in a legal proceedings taken to enforce it, some defect which prevents it from being enforceable.

(C.L.D.)

Table 5.7: avoid

	A	B	C	D	Total
Occurrences	3	0	3	10	16
General use	3	0	3	10	16 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)

(A) 33 , legislature. They	avoid saying that they are
75 facts that destroy	(avoid) their legal effect,
78 ence, confessing and	avoiding them, or objecting
(C) 29 ic order. One cannot	avoid and indeed one must
74 ions which wanted to	avoid close associations
87 ideas about ways to	avoid legal problems in
(D) 1 might have seen and	avoided the obstruction
8 ht have observed and	avoided it: the plaintiff
8 could have seen and	avoided the obstruction;
11 of ordinary care to	avoid it on the part of the
25 are they could have	avoided the consequence
36 y ordinary care have	avoided the consequence of

36 the defendants, but **avoids** it by introducing new
36 s negligence in not **avoiding** the consequence of
38 ordinary care, have **avioded** the consequence of
38 care he might have **avioded** them, he is the
(Sentence level)

(D) The negligence of the plaintiff, in order to preclude him from recovering, must be such as that he could by ordinary care have **avoided** the consequences of the defendants' negligence. (p.370)
[General]

Findings:

- 1. The word **avoid** is used with its general meaning.
- 2. There are common collocation from the findings as follows:

... **avoid** (**avoided** or **avoiding**) the consequence of the defendant ...

The above collocating pattern occurs 4 times in Textbook D.

(6) bar

(Legal use) N PROPER: *the* + N
The **bar** is used to refer to the profession of a barrister in England, or any kind of lawyer in the United States.

Table 5.8: bar

	A	B	C	D	Total
Occurrences	1	0	1	0	2
General use	0	0	0	0	0 (0%)
Legal use	1	0	1	0	2 (100%)

(Line level)

- (A) 46 s practice at the **Bar** or as solicitors, whereas
- (C) 87 from the American **Bar** Association wants counsel

(Sentence level)

(A) The old name "recorder" is preserve for part-time judges who are given the same jurisdiction as circuit judges; they are allowed to continue other occupations such as practice at the **Bar** or as solicitors, whereas circuit judges are full time. (p.12)
[Legal]

Findings:

Both of the words **Bar** are used with the legal meaning.

(7) bench

(Legal use) N. Sing: *the* + N.
The **bench** is used to refer to the judge or magistrates in a court of law.

Table 5.9: bench

	A	B	C	D	Total
Occurrences	4	0	0	0	4
General use	0	0	0	0	0 (0%)
Legal use	4	0	0	0	4(100%)

(Line level)

(A) 17 visions: the Queen's **Bench** Division, the Chancery
17 recks to the Queen's **Bench** Division. A Civil
21 ld courts of Queen's **Bench**, Common Pleas,
51 Court of the Queen's **Bench** Division; and a

(Sentence level)

(A) Or a case may be stated on a part on a point of law for the decision of a
Divisional Court of the Queen's **Bench** Division, and a further appeal may be
taken from the Divisional Court (subject to restriction) to the House of Lords.
(p.13)
[Legal]

Findings:

All the examples of **Bench** occur in collocation with *Queen* because the text is based on the introduction of British law.

(8) charge

(Legal use) N. Count: if + prep then.
The most common legal use of **charge** is a formal accusation, made by an authority such as the police.

Since the word **charge** has also a variety of meanings as a significant legal technical term, further detailed information is offered:

- charge N
- 1. An obligation or debt to be paid; a cost;an expense incurred (as in the general meaning).
 - 2. Paying for something over a period of time, often in instalments.
 - 3. A formal accusation of the commission of a crime.
 - 4. A judge's instructions to a jury to aid them in their deliberations.
 - 5. A provision in a will under which real estate of the testator is subject to the payment of debts of the estate.
 - 6. A lien or encumbrance upon land.
 - 7. A person or thing given into the case or custody of another.

charge V

- 1. To impose an obligation, incur an expense, or create an indebttness.
- 2. To enter into a transaction in which payment will be made over a period of time.
- 3. To accuse; to blame.

(quoted from *B.L.D.*)

Table 5.10: charge

	A	B	C	D	Total
Occurrences	10	0	1	0	11
General use	0	0	1	0	1 (9.1%)
Legal use	10	0	0	0	10 (90.1%)

(Line level)
(A) See Sentence level.
(C) 87 company in Canada; **charges** of employee

(Sentence level)
(A) Prepositions have come to be used rather sloppily in criminal matters. In good usage, one is **charged** (*1), tried, acquitted, convicted, or sentenced *on* (or *upon*) an indictment or count or **charge** (*2). One is indicted on a **charge** (*3) of theft (or some other offence) or *on* two counts of theft. One is indicted or tried *for* theft, and the indictment/count/information/ **charge** (*4) *of* theft. (An information is to a document making a criminal **charge** (*5) before magistrates.) We also speak of a count or **charge** (*6) of theft. One is **charged** (*7)(verb) *with* theft. One pleads guilty (or not guilty) to a count or **charge** (*8) or indictment of theft, or *to* theft. One is acquitted or convicted (or found guilty) *of* theft. (p.15)

(C) ... and a presentation must be made to the transportation commissioner of the Province of Ontario to secure permits to increase haulage capacity of the MNC subsidiary company in Canada; **charges** of employee discrimination in the Faroe Islands used to be answered; ... (p.23)
[General]

Findings:

The instances from book are untypical since the textbook is actually explaining the use of the word.

1. The words **charge** (*1, 2, 3, 4, 5, 6, and 8) are used the meaning of a formal accusation of the commissions of a crime (see noun 3 of the B.L.D list).
2. Only the word **charge** (*8) is used as a verb; however, the meaning of the word **charge** is the same as others.
3. In addition, there is an interesting point from the content of the passage: the use of prepositions; on, upon, for of with, and to. This is significant for legal English teaching in Japan.
4. In (C), the word **charges** is used with a general meaning.

5. Regarding the word **charge**, we can see both its use with the general meaning and with the legal meaning. In short, even in legal texts, the meanings of a word differ according to the co-text.

(9) conclude

(Legal use)
To finish; determine; to stop; to prevent. (*Bl.L.D.*)

	Table 5.11: conclude				
	A	B	C	D	Total
Occurrences	0	0	1	3	4
General use	0	0	1	3	4 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)
(C) 36 organizations to **conclude** that they are free of
(D) 17 interest: and **concluded** that count by alleging,
17 he declaration **concluded**; "Yet the said defendant
17 first of those **concluding** that "by reason whereof

(Sentence level)
(D) And then the declaration **concluded**; "Yet the said defendant although
requested hath not paid the said sum of money above demanded, or any part of
thereof, ... (P.369)
[General]

Findings:

All instances are used with a general meaning although Melliknoff (1963) and Hayakawa (1992) argue that these words are used with a legal meaning in the legal context. In addition, it is very difficult to extract the special meaning of **conclude** from many law dictionaries; only Black's Law Dictionary explains the use of the word as having a legal meaning.

(10) consideration

(Legal use) N
The reason a person enters into a contract; that which is given in exchange for performance to the promise to perform; the price bargained and paid; the inducement. **Consideration** is an essential element of a valid and enforceable contract. A promise to refrain from doing something one is entitled to do also constitutes consideration. (*B.L.D.*)

Table 5.12: consideration

	A	B	C	D	Total
Occurrences	1	2	1	0	4
General use	0	2	1	0	3 (75%)
Legal use	1	0	0	0	1 (25%)

(Line level)

- (A) 38 y money paid on a **consideration** that has failed
- (B) 14 lear and formal.' **Considerations** of equity were
- 37 Germany came into **consideration**. There were two
- (C) 97 omes an important **consideration**. Work may be

(Sentence level)

- (A) There are various other heads of quasi-contract besides the particular example just given, such as the obligation to reply money paid on a **consideration** that has failed. (p.11)
- [Legal]
- (B) The influence of the Historical School managed to rule natural law out of order, and only a legal system which had actually been in force in Germany came into **consideration**. (p.156)
- [General]
- (C) If the nation has a federal system, like the United States, a lawyer licensed in one state or province may be allowed to practice in another, unlike the rule in the United States. Costs become an important **consideration**. (p.25)
- [General]

Findings:

In example (A), the word consideration is used with its legal meaning. In (B) and (C), each consideration is used with its general meaning. Interestingly, Textbook B is written for the study of European legal history. We might not expect word **consideration** to be used here as terms of contracts do not appear in this book. However, Textbook C is written about international business transactions, in particular, legal contracts. In the text, we would expect that the word **consideration** would be used with the legal meaning, but, in fact, it does not appear in the data.

(11) counterpart

Not found in the corpus.

(12) covenant

Not found in the corpus.

(13) damages

(Legal use) N. Plural.

When a court of law awards **damages** to someone, it orders to be paid to them by a person who has damaged their reputation or property, or who has injured them.

Table 5.15: damages

	A	B	C	D	Total
Occurrences	7	0	0	2	9
General use	4	0	0	2	6 (66.7%)
Legal use	3	0	0	0	3 (33.3%)

(Line level)

(A) 6 on will not get **damages** twice over merely
6 get only set of **damages**.) To take another
35 o an action for **damages** irrespective of any
72 onal injury and **damage** to his property. There
72 the injury and **damage** (the latter called
72 called "special **damage**" to distinguish it from
72 om the "general **damage**" that can be presumed to
(D) 17 hath sustained **damage** to the value of 500l., and
31 occasioned the **damage**, injuries, &c., in the

(Sentence level)

(A) It may recite, for example, that the plaintiff was on the blank day or blank proceeding on foot down High Street when the defendant so negligently drove his car that he ran him down, thereby causing him personal injury and **damage** to his property. (p.30)

[General]

(A) (Of course, the plaintiff in the latter action will not get damages twice merely because he has two causes of action; he will get only one set of **damages**.) (p.3)

[Legal]

(D) ... the said train of carriages of the defendants ran upon and against the said train of carriages, in one whereof the plaintiff then was being carried, and struck against the same, and occasioned the **damage**, injuries, &c., in the declaration mentioned. (p.370)

[General]

Findings:

1. As is apparent from the data, singular '**damage**' is different from plural '**damages**'. In each example, **damage** is used with general meaning. **Damage** is often collocated with the word **injury**.
2. The word **damages** (plural) is exclusively used with a legal meaning.

(14) deed

(Legal use) N COUNT+SUPP

A deed is a piece of paper on which the terms of an agreement are written, especially an agreement concerning the ownership of land or a building.

Table 5.16: deed

	A	B	C	D	Total
Occurrences	0	0	0	1	1
General use	0	0	0	0	0 (0%)
Legal use	0	0	0	1	1 (100%)

(Line level)
(D) 17 rst count a certain **deed** for securing the payment

(Sentence level)
(D) which he owes to and unjustly detains from him; for that whereas, &c.:
and so the plaintiff proceeded to set out in his first count a certain **deed** for
securing the payment of 16251, and interest: ...
[Legal]

Findings:
The word **deed** is used with the legal meaning.

(15) demise
Not found in the corpus.

(16) demur
(Legal use) V
To present a demurrer; to take an exception to the sufficiency in point
of law of a pleading or state of facts alleged. (*Bl.L.D.*)

Table 5.17: demur

	A	B	C	D	Total
Occurrences	1	0	0	0	1
General use	0	0	0	0	0 (0%)
Legal use	1	0	0	0	1 (100%)

(Line level)
(A) 77 ause the party who **demurred** did not precede with

(Sentence level)
(A) The demurrer was so called because the party who **demurred** did not
proceed with his pleading but rested his case on the submission of law and
awaited the judgment of the court thereon. (p.21)
[Legal]

Findings:
The word **demur** is used with its legal meaning.

(17) exception
(Legal use)

Act of excepting or excluding from a number designated or from a description; that which is excepted or separated from others in a general rule or description; a person, thing, or case specified as distinct or not included; an act of excepting, omitting from mention or leaving out of consideration. Express exclusion of something from operation of contract of deed. An "exception" operates to take something out of thing granted which would otherwise pass to be included.
Objection to order or ruling of trial court.

Table 5.18: exception

	A	B	C	D	Total
Occurrences	0	1	0	0	1
General use	0	0	0	0	0 (0%)
Legal use	0	1	0	0	1 (100%)

(Line level)
(B) 53 the statute of the **exception**. A remark by

(Sentence level)
(B) It is a still widely held view that statute constitutes a sort of derogation from the Common Law and ought therefore to be interpreted respectively, as if the Common Law were the rule and the statute of the **exception**. (p.160)
[Legal]

Findings:
'Exception' has a legal use, but this is very close in meaning to the general meaning. It is not, however, identical. In this case, the word is used with the legal meaning.

(18) execute
Not found in the corpus.
(19) find

(Legal use) V+O+C: USU PASS
If a person who has been on trial is **found** guilty or **found** not guilty, the court, or jury, decides that the person is guilty or innocent.

Table 5.19: find

	A	B	C	D	Total
Occurrences	5	2	2	1	10
General use	1	2	2	0	5 (50%)
Legal use	4	0	0	1	5 (50%)

(Line level)
(A) 52 all courts will be **found** in Shaw's Directory of
54 was a "true bill" **found** by a "grand jury," i.e.
56 d or convicted (or **found** guilty) of theft. There
59 If the Commission **finds** the complaint admissible
73 t they will all be **found** to belong to one or

- (B) 66 nd cases are to be **found** side by side with recent
 73 aw are still to be **found** in more than 3,000 Acts
 (C) 13 in Baton Rouge may **find** it hard to locate Thai
 93 local lawyers may **find** their turf challenged.
 (D) 93 care. They should **find** a verdict for the
 (Sentence level)

(A-1) If the commission **finds** the complaint admissible and well founded the complainant may be referred for a bending decision to the European Court of Human Rights at Strasbourg; ... (P.16)

[Legal]

(A-2) One pleads guilty (or not guilty) to a count or charge or indictment of theft, or to theft. One is acquitted or convicted (or **found** guilty) of theft.

(p.15)

[Legal]

(B) Old statutes and cases are to be **found** side by side with recent statutes and precedents, as the index of sources at the beginning of any English legal work will show. (p.163)

[General]

(C) The lawyers in New York may have little difficulty in obtaining English pounds to buy the print, but the orchid hobbyist in Baton Rouge may **find** it hard to locate Thai Bahts. (p.11)

[General]

(D) ... and if they were satisfied that the plaintiff was riding along the street extremely hard, and without ordinary care, they should **find** a verdict for the defendant: which they accordingly did. (p.369)

[Legal]

Findings:

1. Regarding the word **find**, there are significant aspects from the findings. In particular, let us compare (A-1) with (A-2). The word **found** in A-2 is used with a typical legal meaning collocated the word *guilty*. On the other hand, the word **finds** in A-1 is used with a similar meaning but a different collocation.
2. In (C), the word **find** is used with a general meaning, and the word **find** is a part of a structure "S + find + O + C + infinitive".
3. IN (D), the word **find** is collocated with **verdict**.

(20) hand

(Legal use) N SING WITH DET+SUPP.

A person's signature.

An instrumental part; e.g. 'he had a hand in the crime'.

In the plural, the term may be synonymous with "possession"; as the "hands" of an executor, garnishee, etc.

In Old English law, an oath. (*Bl.L.D.*)

Table 5.20: hand

	A	B	C	D	Total
Occurrences	1	1	0	0	2
General use	1	1	0	0	2 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)
(A) 13 atters, on the other **hand**, the county court is
(B) 25 rlands, on the other **hand**, it was decided after
(Sentence level)
(B) ..., there is no such thing as a new Belgian civil code. In the Netherlands, on the other **hand**, it was decided after the Second World War to introduce a new civil code.
[General]

Findings:

Both examples of **hand** are used as a part of the phrase **on the other hand**. No legal use is identified.

(21) hear

In order to compare the use of the word **hear**, we will investigate line levels and sentence levels of **hear (heard)** and **hearing** altogether.

(Legal use) V+O

When a judge or a court **hears** a court case, a legal complaint, etc, they listen to it officially in order to make a decision about it.

(22) Hearing

(Legal use) N COUNT
A **hearing** is an official meeting which is arranged in order to collect facts about an incident, event or problem, so that a decision can be made as to whether a further investigation is necessary.

Table 5.21: hear and hearing

	A	B	C	D	Total
Occurrences	5	0	1	0	6
General use	2	0	1	0	3 (50%)
Legal use	3	0	0	0	3 (50%)

(Line level)
(A) 37 e beginner need **hear** about is the quasi
77 f fact has been **heard**. After the defence there
77 t a preliminary **hearing** which may succeed in
80 e, may still be **heard** defended by many lawyers

80 gards itself as **hearing** an appeal on the case
(C) 87 e interested in **hearing** ideas about ways to avoid

(Sentence level)

(A-1) ... is made by the single trial judge, either at a preliminary **hearing** which may succeed in disposing of the whole care or after the evidence on the issues of fact has been **heard**. (p.22)

[Legal]

(A-2) This regrettable attitude, which may still be **heard** defended by many lawyers, springs from the English tradition that a lawsuit is a game of legal skill in which the judge is neutral. It must also be pointed out that an appeal court regards itself as **hearing** an appeal on the case presented to the lower court; it will generally refuse to decide a point that was not before the court below on the facts as pleaded. (P.23)

[Legal]

(C) ... some MMC lines management people are interested in **hearing** ideas about ways to avoid legal problems in connection with their proposals for new MMC activity. (p.25)

[General]

Findings:

- 1. In (C), the word **hearing** is used with the general meaning. In (A), both words **hear (heard)** and **hearing** are used with the legal meaning.
- 2. In (A-1), the word **heard** is used the same meaning with **hearing**. However, in (A-2), the word **heard** is used with the general meaning.

(23) hold

(Legal use) V
To make something happen;
To keep (someone) in custody;
To decide or to make a judgement

Table 5.22: hold

	A	B	C	D	Total
Occurrences	3	1	2	1	7
General use	2	1	0	0	3 (42.9%)
Legal use	1	0	2	1	4 (57.1%)

(Line level)

(A) 32 ry, and peers who **hold** or have held high judicial
32 who hold or have **held** high judicial office) who
36 the property is **held** on trust for the public
(B) 53 s still a widely **held** view that statute
(C) 23 cre the equity is **held** by the private persons?
87 appeals court has **held** that the MMC trade name is
(D) 24 t the plaintiff. **Held**, that the pleas was bad in

(Sentence level)
(A-1) ... (the Lord Chancellor, the Lords of Appeal, and peers who hold or have held high judicial office) who ... (p.8)
[General]
(A-2) In the case of a charitable trust there need be no definite beneficiary but the property is held on trust for the public as a whole or for some section of it. (p.10)
[Legal]
(B) It is still a widely held view that statute constitutes a sort of derogation from the Common Law and ought therefore not to be interpreted respectively, as if the Common Law were the rule and statute the exception. (p.160)
[General]
(C-1) If a United States company engages in a joint venture abroad with a government as a participant, to what a greater degree might social policy of the government play a role in board decisions where the equity is held by the private persons? (p.12)
[Legal]
(C-2) ...; a Uruguayan appeals court has held that the MMC trade name is generic and thus not subject to legal protection in Uruguay; ... (p.23)
[Legal]
(D) ...caused the injuries to the plaintiff: - Held, that the plea was bad in form, as amounting to not guilty; and in substance, for not shewing, not only.... (p. 370)
[Legal]

Findings:

- 1. The words **hold** or **held** both in (A-1) and (B) are used with the general meaning.
- 2. In (A-1), (C-2) and (D), the words **held** are used with legal meanings. In (D), **held** is used usually at the beginning of the sentence with the meaning of 'judge'. This is an unusual marked form.
- 3. In (A-2), the phrase '**held** in trust' is a legal term '**hold** a trust'.

(24) Instrument

(Legal use)
Any formal legal document evidencing an agreement of the granting of a right. (B.L.D.)

Table 5.23: instrument

	A	B	C	D	Total
Occurrences	0	1	1	0	2
General use	0	1	1	0	2 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)
(B) 46 he law was the **instrument** of the forces which
(C) 15 s with musical **instruments** and a Baton Rouge

(Sentence level)
(B) ..., it necessarily followed that law was the **instrument** of the forces which dominated the state and its legislative organs. (p.159)
[General]
(C) A New York gallery that sells foreign prints, a Cleveland music company which deals with musical **instruments** and a Baton Rouge commercial orchid

grower who imports these exotic flowers from many nations of the tropic zone.
(p.11)
[General]

Findings:

Both words **instrument** and **instruments** are used with general meaning.

(25) letter

(Legal use) N PLURAL
Documents granting or delegating some specific power or authority.

Table 5.24: letter

	A	B	C	D	Total
Occurrences	0	1	1	0	2
General use	0	1	0	0	1 (50%)
Legal use	0	0	1	0	1 (50%)

(Line level)
B) 13 be followed to the **letter**, because the text is
C) 11 nancing and issued **letters** of credit.

(Sentence level)
(B) ... 'Statute', he claimed, 'even if it were a thousand times absurd, would still have to be allowed to the **letter**, because the text is clear and formal. (p.151)
[General]
(C) It is likely that banking concerns provided the financing and issued **letters** of credit. (p.10)
[Legal]

Findings:

In (B), 'to the **letter**' is a general expression meaning 'precisely'. However, this expression is commonly used in law. In (C), '**letters** of credit' meets the criteria for the legal definition. The plural is also used in banking.

(26) master

(Legal use) N
Somewhat out-dated, but sometimes still used, term for employer.

Table 5.25: master

	A	B	C	D	Total
Occurrences	1	0	0	0	1
General use	0	0	0	0	0 (0%)
Legal use	1	0	0	0	1 (100%)

(Line level)
(A) 19 essentially of the **Master** of the Rolls and the

(Sentence level)
(A) For the High Court the appropriate appellate court is the *Court of Appeal* (*Civil Division*), consisting essentially of the **Master** of the Rolls and the Lords Justice of Appeal. (p.6)
[Legal]

Findings:

In (A), **Master** is used with a legal meaning. 'The **Master** of Rolls' is the judge who presides over the Court of Appeal.

(27) motion

Not found in the corpus.

(28) move

(Legal use) V+O/REPORT-CL.
If you **move** a motion or amendment, you formally propose it at a meeting so that everyone present can vote for or against it.

Table 5.26: move

	A	B	C	D	Total
Occurrences	0	1	3	1	5
General use	0	1	3	0	4 (80%)
Legal use	0	0	0	1	1 (20%)

(Line level)
(B) 41 manner in which it **moves** from general principles
(C) 19 States? Persons **moving** across borders
40 nevertheless have **moved** with caution into
95 r EC attorneys to **move** more freely than before
99 nevertheless have **moved** with caution into
(D) 9 this direction, on **moving** [61] for a new trial;

(Sentence level)
(B) An example of the systematic structure of the BGB, and the manner in which it **moves** from general principles to specific rules, is provided by the contract of the rule. (p.157)
[General]
(C) Foreign companies nevertheless have **moved** with caution into nonmarket economics to establish major equity investments. (p.14)
[General]
(D) Vaughan Serjt, now objected to this direction, on **moving** [61] for a new trial; and referred to Buller's Ni. Pri. 26(a), where the rule is laid down, ... (p.369)
[Legal]

Findings:

Only the word **moving** in (D) is used with its legal meaning.

(29) of course

Not found in the corpus.

(30) party

(Legal use) N COUNT+SUPP
A particular **party** is a person who is one of the people involved in something such as a legal dispute or the signing of a contract or agreement; a formal use.

Table 5.27: party

	A	B	C	D	Total
Occurrences	0	0	1	8	9
General use	0	0	0	0	0 (0%)
Legal use	0	0	1	8	9 (100%)

(Line level)
(C) 25 It is as a third **party** establishing and
(D) 11 lenborough C.J. A **party** is not to cast himself
24 m, Plea, that the **parties** having the management
25 not only that the **parties** under whose management
36 negligence of the **parties** under whose care the
36 egligence of both **parties**. LORD ABINGER,C.B. I
36 of the plea, the **party** may allege the matter
36 de of the road, a **party** is excused who drives
38 egligence in both **parties**, and yet the plaintiff

(Sentence level)
(C) It is as a third **party** establishing and regulating the framework within trade and investment transpires. (p.12)
[legal]
(D) The matter of law raised here, is whether the negligence of the **parties** under whose care the plaintiff was, excuses the defendants; negligence. (p.371)
[Legal]

Findings:

In all cases in (C) and (D), the words **party (parties)** is used with its legal meaning.

(31) plead

(Legal use) V+O, OR V+A
If someone, especially a lawyer, **pleads** someone else's case or cause or pleads for them, they speak in support of defense of them; a formal use.

Table 5.28: plead

	A	B	C	D	Total
Occurrences	7	1	0	0	8
General use	0	1	0	0	1 (12.5%)
Legal use	7	0	0	0	7 (87.5%)

(Line level)
(A) 56 with theft. One **pleads** guilty (or not guilty) to
72 to be specially **pleaded**). Then comes the
76 tly necessary to **plead** an objection in point of
76 ial although not **pleaded**. For the purpose of
77 if the defendant **pleaded** a traverse or a

80 of been properly **pleaded**. But the court always
80 on the facts as **pleaded**. Prof.R.M.Jackson's
(B) 38 Romanists could **plead** that Pandektenrecht was

- (Sentence level)
(A-1) One **pleads** guilty (or not guilty) to a count or charge or indictment of theft, or to theft.
(p.15)
[Legal]
(A-2) (the latter called "special damage" to distinguish from the injury and so does not have to
be specially **pleaded**.) (p.20)
[Legal]
(A-3) It is not strictly necessary to **plead** an objection in point of law, for any point of law may
be taken at the trial although not **pleaded**. (p.21)
[Legal]
(B) But the Romanists could **plead** that *Pandektenrecht* was much more sophisticated and
more modern than the law of Germanic antiquity of the Middle Ages. (p.156)
[General]

Findings:

The vast majority of instances of **plead** are used with the legal sense. However, in
(B), the word **plead** is used with its general meaning.

(32) prayer

Not found in the corpus.

(33) prejudice

Not found in the corpus.

(34) present

(Legal use) V (N)
These presents = this document itself; to present a (case).

Table 5.29: present

	A	B	C	D	Total
Occurrences	6	2	2	0	10
General use	4	2	2	0	8 (80%)
Legal use	2	0	0	0	2 (20%)

- (Line level)
(A) 21 Division. The **present** High Court, and the Court
26 e if it had the **present** combined strength of both
54 ed by Jury. The **present**-day indictment may be
54 i.e. a jury for **presenting** suspected offenders.
58 law, though at **present** somewhat limited, grows
80 eal on the case **presented** to the lower court;
(B) 9 ry is no longer **presented** as a translation.
46 a sensation by **presenting** law explicitly as
(C) 19 new issues not **present** in the domestic setting.
29 ge. It is ever **present** in the wings and ready

- (Sentence level)
(A-1) The **present** High Court, and the Court of Appeal on its civil side, were set up by the
Judicature Act 1873. (p.6)
[General]

- (A-2) Originally an "indictment" was a "true bill" found by a "grand jury," i.e. a jury for **presenting** suspected offenders. (p.14)
[Legal]
- (A-3) The **present**-day indictment may be defined as a document preferred by anyone to the Crown Court, and signed by the clerk of the court. (p.14)
[General]
- (A-4) The impact of Community law, though at **present** somewhat limited, grows continually; ... (p.16)
[General]
- (A-5) It must also be pointed out that an appeal court regards itself as hearing an appeal on the case **presented** to the lower court; ... (p.23)
[Legal]
- (B) In the third and fourth editions of 1869 and 1879, however, the commentary is no longer **presented** as a translation. (p.149)
[General]
- (C-1) Persons moving across borders introduce new issues not **present** in the domestic setting. (p.12)
[General]
- (C-2) One cannot avoid and indeed one must not ignore that if the government does not play a direct role on stage, it is ever **present** in the wings and ready to raise or drop the curtain on the activities of private traders, licensors and investors. (p.13)
[General]

Findings:

In (A-2) and (A-5), the word **present** is used with its legal meaning. In (A-1), (A-3), (A-4), (B), (C-1) and (C-2), the words **present(ed)** are used with the general meaning.

(35) provided

(Legal use)
Upon condition. "**Provided**" is a word that creates a proviso or a provision.

Table 5.30: provided

	A	B	C	D	Total
Occurrences	1	4	2	0	7
General use	0	4	2	0	6 (85.6%)
Legal use	1	0	0	0	1 (14.3%)

- (Line level)
- (A) 80 the other side, **provided** that the party amending
(B) 4 sis. The system **provided** for a single imperial
41 ecific rules, is **provided** by the contract of
68 icature Act 1873 **provided** for its abolition.
71 s Common Law had **provided** only a restricted
(C) 11 banking concerns **provided** the financing and
36 through which it **provided** services. Sale to these

- (Sentence level)
- (A) ..., will now allow amendment wherever this occasions no injustice to the other side, **provided** that the party amending pays any costs occasioned by his mistake. (p.22)
[Legal]
- (B) An example of the systematic structure of the *BGB*, and the manner in which it moves general principles to specific rules, is **provided** by the contract of sale. (p.157)
[General]

(C) Nor did the hotel enterprise from a corporate subsidiary in Hungary through which it provided service. (p.13)
[General]

Findings:

Only in (A), is the word **provided** used to present a legal condition. All other uses are general.

(36) purchase

(Legal use) V+O
Transmission of property from one person to another by voluntary act and agreement, founded on a valuable consideration.

Table 5.31: purchase

	A	B	C	D	Total
Occurrences	0	0	4	0	4
General use	0	0	4	0	4 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)
(C) 11 differ from similar **purchases** completed entirely
11 re indirect links, **purchasing** from United States
21 azilian government **purchases** Japanese turbines
36 with farmers about **purchasing** tractors. Nor did

(Sentence level)
(C-1) Each of these trades involves characteristics which differ from similar **purchases** completed entirely within the United States. (p.10)
[General]
(C-2) The seller of the camera or the car may have been, although it is quite possible that they also were indirect links, **purchasing** from the United States distributors. (p.10)
[General]
(C-3) The Brazilian government **purchases** Japanese turbines for a hydroelectric project. (p.12)
[General]

Findings:

1. In (C-1), the word **purchases** is used as a noun which has its general meaning.
2. The word **purchases** in (C-3) is used a verb with a general meaning.
3. In (C-2), the word **purchasing** is used in a participle construction with a general meaning.

These data raise the question of whether or not *purchase* has a legal use that is distinct from its general use. Mellinkoff (1963) claims that it does. He gives as a definition: “to acquire realty by means other than descent”, but this seems close to the general meaning.

(37) said

(Legal use)
Aforesaid; previously mentioned; mentioned above. (B.L.D.)

Table 5.32: said

	A	B	C	D	Total
Occurrences	4	0	0	28	32
General use	4	0	0	2	6 (18.8%)
Legal use	0	0	0	26	26 (81.2%)

(Line level)

(A) 17 uity. More will be said about this particular
23 wo suggest panic," said A.P.Herbart. It is a
50 atisfied; they said to be "triable both
71 their function is said to be to settle the
(D) 8 , who proved this, said that if the plaintiff
17 the defendant the said sum of 16251, parcel of
17 251, parcel of the said sum of money above
17 the defendant the said last-mentioned sum of
17 ther parcel of the said sum above money above
17 the residue of the said of 77501, above demanded
17 oncluded; "Yet the said defendant although
17 hath not paid the said sum of money above
30 r Railway; and the said company was also then end
30 rneying on and the said railway, under the care
30 in servants of the said company: nevertheless the
30 nevertheless the said company, by their said
30 company, by their said servants, so carelessly
30 direction of the said train of the said
30 said train of the said company, that the same,
30 per conduct of the said servants of the said
30 id servants of the said company, then with great
30 on and against the said train of carriages in one
30 y means whereof the said last-mentioned train was
30 h injured, and the said carriage on which the
31 ation alleged, the said train of carriages. In
31 ion mentioned, the said train of railway
31 proceeding on the said rail-way, and that the
31 d direction of the said train of carriages in
31 anagement,&c., the said train of carriages of the
31 he defendants, the said train of carriages of the
31 on and against the said train of carriages., in
36 recover. Can it be said, that, because a carriage

(Sentence level)

(A) More will be said about this particular distinction in the next chapter. (p.5)
[General]
(D-1) ..., which still remains whereby an action hath accrued to the plaintiff to demand and to have of the defendant the said sum of 16251, parcel of the said sum of money above demanded. (p.369)
[Legal]
(D-2) Can it be said, that, because a carriage is on the wrong side of the road, a party is excused who drives against it? (p.371)
[General]

Findings:

In (D-1), the word **said** is used with the legal sense. Since Textbook D deals with cases, these are typical uses of the word **said** in the context.

(38) **save**

(Legal use) PREP
You can use **save** in order to produce the only things, people, or ideas that your statement does not apply to; a very formal use.

Table 5.33: **save**

	A	B	C	D	Total
Occurrences	1	0	0	0	1
General use	0	0	0	0	0 (0%)
Legal use	1	0	0	0	1 (100%)

(Line level)
(A) 26 become prohibitive **save** to the few or to the

(Sentence level)
(A) The cost of appeals to the House of Lords ... has become prohibitive **save** to the few or the recipient of legal aid. (p.7)
[Legal]

Findings:

The word **save** in (A) is only used with its legal meaning.

(39) **serve**

(Legal use) V+O+A(on/with)
If you **serve** a legal document on someone or if you **serve** them with it, you deliver it to them.

Table 5.34: **serve**

	A	B	C	D	Total
Occurrences	1	0	7	0	8
General use	0	0	5	0	5 (62.5%)
Legal use	1	0	2	0	3 (37.5%)

The different meanings of **serve** are correspondent with those of **service**. Hence, the examples are shown in (40) **service**.

(40) **service**

(Legal use)
The delivering of process; short for **service** of process.
(B.L.D.)

Table 5.35: **service**

	A	B	C	D	Total
Occurrences	1	0	13	0	14
General use	0	0	13	0	13 (92.3%)
Legal use	1	0	0	0	1 (7.7%)

(Line level)

(A) 47 n Court sits are
71 y come after the
(C) 21 trade goods and
21 owns an airline
27 ation's customs
36 hich it provided
47 f the members to
51 ations unable to
59 GATT, including
76 me nations. They
87 wants counsel to
87 as: Senegal has
87 iary company has
91 lly go abroad to
91 d, as have other
91 ed in what legal
91 it is one of the
91 awyers providing
95 providing legal
97 ds to obtain the
97 btaining distant
97 e costs of legal

served only by circuit judges,
service of the writ, which
services; they also participants
serving domestic and foreign
service. Customs also will have
services, Sales Senegal has
serve short term of political
service their foreign debts.
services, intellectual property
serve at least an indication
serve on an international trade
served notice that MNC revenues
served notice that the company's
serve American multinationals,
service activities including
services they may render in the
services which is not regulated
services on an international
services. But as yet no blanket
services of a lawyer abroad,
services for a transaction in
services should be discussed

(Sentence level)

(A-1) Some of the centres in which the Crown Court sits are served only by circuit judges, some by High Court Judges. (p.12)

[Legal]

(A-2) They come after the service of the writ, which commences the action, and they exchanged between the parties before the trial in order to reveal the apple of discord to the parties themselves and to the court. (p.19)

[Legal]

(C-1) The Omani government wholly owns an airline serving domestic and foreign centres. (p.12)

[General]

(C-2) American law firms have often followed their multinational clients abroad, as have other service (*1) activities including advertising, banking and accounting. Although they may initially go abroad to serve (*2) American multinationals, law firms will over time establish a more diversified practice in their foreign location. But they may be restricted in what legal services (*3) they may render in their foreign nations. (p.24)

[General]

Findings:

- 1. In (A-1), the word served is used with its general meaning. In (A-2), the word service is used with its legal meaning.
- 2. In (C-1), a present participle serving is used with its general meaning.

(41) show

(Legal use) V

To make apparent or clear by evidence. (B.L.D.)

Table 5.36: show

	A	B	C	D	Total
Occurrences	1	2	1	0	5
General use	1	2	0	0	3 (60.0%)
Legal use	0	0	1	0	2 (40.0%)

(Line level)

- (A) 8 These examples
- (B) 41 General Part'
- 66 egal work will
- (D) 36 t to have been
- show that the distinction between
- shows. It was the work of academic
- show. The work of Parliament was
- shown that there was negligence in

(Sentence level)

- (A) These examples show that the distinction between a crime and civil wrong cannot be stated as depending upon *what is done*, because what is done (or not done) may be the same in each case. (p.3)
- [General]
- (B) Old statutes and cases are to be found side by side with recent statutes and precedents, as the index of sources at the beginning of any English legal work will show. (p.163)
- [General]
- (C) It ought to have been shown that there was negligence in not avoiding the consequences of the defendants' default. (p.371)
- [Legal]

Findings:

In (A) and (B), the words **show** are apparently used with the general meanings.
However, in (C), the word **shown** is used with a legal meaning.

(42) specialty

Not found in the corpus.

(43) standing

(Legal use) N

The position of a person with respect to his capacity to act in particular circumstances. Thus, for example, individuals vary with respect to their social standings in the community, their credit standing, their standing to sue, and so forth.

Table 5.37: standing

	A	B	C	D	Total
Occurrences	0	1	0	0	1
General use	0	1	0	0	1 (100%)
Legal use	0	0	0	0	0 (0%)

(Line level)

- (B) 4 of law, which were of identical standing and were

(Sentence level)

- (B) The new system provided for a single Imperial university comprising twelve faculties of law, which were of identical standing and were under the direction of a central administration. (p.147)
- [General]

Findings:

The word **standing** is used with its general meaning.

(44) **suit**

(Legal use) N COUNT
In a court of law a **suit** is a case in which a person tries to get justice for something wrong that has been done to them. They might, for example, try to get back from someone money that they are owed.

Table 5.38: **suit**

	A	B	C	D	Total
Occurrences	1	1	0	1	3
General use	1	1	0	0	2 (66.7%)
Legal use	0	0	0	1	1 (33.3%)

(Line level)
(A) 3 are temperamentally **suit**ed to it. One of the
(B) 3 s now existed; they **suit**ed the mentality and the
(D) 17 therefore he brings **suit**, &c. To this there was
(Sentence level)
(A) Its practice does, of course, call for much routine, careful, unexpected work; and if you to decide whether you think you are temperamentally **suit**ed to it. (p.2)
[General]
(B) The codes now existed; they **suit**ed the mentality and the interests of the citizens, and there was no reason to question them. (p.147)
[General]
(D) ... wherefore the plaintiff says that he hath sustained damage to the value of 500l., and therefore he brings **suit**," &c. (p.369)
[Legal]

Findings:

The word **suit**ed (v) in (A) is used with its general meaning. In (D), the word **suit** in (D) has its legal use.

(45) **tenement**

Not found in the corpus.

(46) **trial**

(Legal use) N COUNT
A trial is a formal legal process in which a judge and jury decide whether someone is guilty of a particular crime by questioning them and considering the evidence.

Table 5.39: **trial**

	A	B	C	D	Total
Occurrences	14	0	0	2	16
General use	0	0	0	0	0 (0%)
Legal use	14	0	0	2	16 (100%)

Since the special meaning of the word **trial** is usually found in the same sections as **try**, the analysis on line and sentence level will be made in (47) **try** altogether.

(47) **try**

(Legal use) V+O:USU PASS
When a person is tried, he or she has to appear on a court of law and the judge listen to the evidence about a particular case or crime, and decide if the person is guilty.

Table 5.40: **try**

	A	B	C	D	Total
Occurrences	12	1	0	0	13
General use	2	1	0	0	3 (23.1%)
Legal use	10	0	0	0	10 (76.9%)

(Line level) - **trial**

(A) 16 closely at the **trial** of civil cases. The courts
18 ision. A Civil **trial** in the High Court is before
19 rom a court of **trial** (called a court of first
39 led. Next, the **trial** of criminal cases. Crimes
46 es. A criminal **trial** in the Crown Court is always
46 o controls the **trial** and directs the jury; but
46 course of the **trial**. The Crown Court sitting in
51 or (whereof in **trials** on indictment there is no
54 offenders. The **trial** upon it at assizes or
61 ming of cases. **Trials** on indictment are in the
71 ies before the **trial** in order to reveal the apple
76 e taken at the **trial** although not pleaded. For
77 by the single **trial** judge, either at a
(D) 5 ed, &c. At the **trial** before Bayley J. at Derby
8 [61] for a new **trial**; and referred in Buller's

(Line level) -**try**-

(A) 2 enough people **trying** to enter this profession
5 judge did not **try** anybody except counsel.) In
5 utset, I shall **try** to give a simple explanation
20 ivil cases are **tried** in the county courts, with
46 they therefore **try** the more serious and difficult
46 while he will **try** a straightforward case of
50 ces, can to be **tried** in magistrates' courts if
54 that are to be **tried** by jury. The present-day
55 ne is charged, **tried**, acquitted, convicted, or
55 is indicted or **tried** for theft, and the
62 en the case is **tried** summarily before magistrates
(B) 13 were guilty of **trying** to revive the ancient

(Sentence level) -**trial** and **try**-

(A-1) Since the nature of the division must be grasped at the outset, I shall **try** to give a simple explanation of it. (p.2)
[General]
(A-2) A criminal **trial** (*1) in the Crown Court is always used by jury. The court is ormally preceded over by a circuit judge or recorder, who controls the **trial** (*2) and directs the jury; but it may also be constituted with a High Court Judge. (p.11)
[Legal]

- (A-3) High Court Judges are, on average (but only an average), more able or more experienced than circuit judges; and the theory is that they therefore **try** the more serious and difficult cases. (p.12)
[Legal]
- (B) ..., authors who involved the 'spirit of the statute' to mitigate its literal meaning were guilty of **trying** to revive the ancient supremacy of scholarship and to seize a creative role in the development of the law; ... (p.151)
[General]
- (D) At the **trial** before Bayley J. at Derby, it appeared that the defendant, for the purpose of making some repairs to his house, which was close by the road side at one end of the town, ... (p.368)
[Legal]

Findings:

The word **trial** is used with its legal meaning in all findings. On the other hand, the word **try** varies according to context. While in (A-1), the word **try** is used with a general meaning, the word **try** in (A-3) is completely used with a legal meaning. (B)'s **trying** is apparently general.

(48) virtue

- (Legal use) PREP
You use by virtue of to say that something happens or becomes necessary because of the circumstances surrounding it.

Table 5.41: virtue

	A	B	C	D	Total
Occurrences	0	0	1	0	1
General use	0	0	0	0	0 (0%)
Legal use	0	0	1	0	3 (100%)

- (Line level)
(B) 73 cen possible only **by virtue of** an extremely
- (Sentence level)
(B) Another is divorce, which had previously been possible only **by virtue of** an extremely costly private Act, but which was now within reach of everyone and followed the rules of ordinary procedure. (p.165)
[Legal]

Findings:

This is a typical case of the use of the word **virtue** with its legal meaning. In addition, the word is used in a phrasal prepositions (complex prepositions) **by virtue of**.

Summary of Findings

The following table indicates the use of the 48 words in each legal context.
G.U. indicates a general use, and L.U. indicates a legal use.

Table 5.42: A table of general & legal uses

	A	B	C	D	Total
action	G.U.-	5	-	-	5
	L.U.11	-	-	8	19
alien	G.U.1	-	-	-	1
	L.U.	-	-	-	-
appearance	G.U.-	-	-	-	-
	L.U.-	-	1	-	1
assigns	G.U.-	-	-	1	1
	L.U.-	-	-	-	-
avoid	G.U.3	-	3	10	16
	L.U.-	-	-	-	-
bar	G.U.-	-	-	-	-
	L.U.1	-	1	-	2
bench	G.U.-	-	-	-	-
	L.U.4	-	-	-	4
charge	G.U.-	-	1	-	1
	L.U.10	-	-	-	11
conclude	G.U.-	-	1	3	4
	L.U.	-	-	-	-
consideration	G.U.-	2	1	-	3
	L.U.1	1	-	-	1
counterpart	G.U.-	-	-	-	-
	L.U.-	-	-	-	-
covenant	G.U.-	-	-	-	-
	L.U.-	-	-	-	-
damages	G.U.4	-	-	2	6
	L.U.3	-	-	-	3
deed	G.U.-	-	-	-	-
	L.U.-	-	-	1	1
demise	G.U.-	-	-	-	-
	L.U.-	-	-	-	-
demur	G.U.-	-	-	-	-
	L.U.1	-	-	-	1
exception	G.U.-	1	-	-	1
	L.U.-	-	-	-	-
executed	G.U.-	-	-	-	-
	L.U.-	-	-	-	-
find	G.U.1	2	2	-	5
	L.U.4	-	-	1	5
hand	G.U.1	1	-	-	2
	L.U.-	-	-	-	-
hear	G.U.1	-	-	-	1
	L.U.1	-	-	-	1
hearing	G.U.1	-	1	-	2
	L.U.2	-	-	-	2
hold	G.U.2	1	-	-	3

instrument	L.U.1	-	2	1	4
	G.U.-	1	1	-	2
letters	L.U.-	-	-	-	-
	G.U.-	1	-	-	1
master	L.U.-	-	1	-	1
	G.U.-	-	-	-	-
motion	L.U.1	-	-	-	1
	G.U.-	-	-	-	-
move	L.U.-	-	-	-	-
	G.U.-	1	3	-	4
of course	L.U.-	-	-	1	1
	G.U.-	-	-	-	-
party	L.U.-	-	-	-	-
	G.U.-	-	-	-	-
plead	L.U.-	-	1	8	9
	G.U.-	1	-	-	1
prayer	L.U.7	-	-	-	7
	G.U.-	-	-	-	-
prejudice	L.U.-	-	-	-	-
	G.U.-	-	-	-	-
presents	L.U.2	-	-	-	2
	G.U.4	2	2	-	8
provided	L.U.1	-	-	-	1
	G.U.-	2	4	-	6
purchase	L.U.-	-	-	-	-
	G.U.-	-	4	-	4
said	L.U.-	-	-	-	-
	G.U.4	-	-	2	6
save	L.U.-	-	-	26	26
	G.U.-	-	-	-	-
serve	L.U.1	-	-	-	1
	G.U.-	-	5	-	5
service	L.U.1	-	2	-	3
	G.U.-	-	13	-	13
show	L.U.1	-	-	-	1
	G.U.1	2	-	-	3
specialty	L.U.1	-	1	-	2
	G.U.-	-	-	-	-
standing	L.U.-	-	-	-	-
	G.U.-	1	-	-	1
suit	L.U.-	-	-	-	-
	G.U.1	1	-	-	2
tenement	L.U.-	-	-	1	1
	G.U.-	-	-	-	-
trial	L.U.-	-	-	-	-
	G.U.-	-	-	-	-
try	L.U.14	-	-	2	16
	G.U.2	1	-	-	3

	L.U.10	-	-	-	10
virtue	G.U.-	-	-	-	-
	L.U.-	-	1	-	1

There are some interesting findings from the analysis; these are now summarized:

Findings 1: Before the analysis, I imagined that the characteristics of each field would be reflected in the legal terms. For example, in textbook (A): *Learning the Law*, and textbook (B): *Introduction to the Private Law*, I did not expect to find as many words with legal use as in textbook (C): *International Business Transaction*, and (D) *Kyozai America-Ho*. (C) and (D) are books on legal cases in the USA and other countries, whereas, on the other hand, (A) and (B) are not linked to the cases themselves since (A) is a reference book how the law students should approach the study of English Law and (B) is a book of European legal history. However, it is apparent that the 48 words do not always occur with a legal use even in a case book. Table 5.43 indicates the total occurrences of the 48 words in each textbook. For example, in textbook (A), the 48 words occur in 100 lines, but there are only 24 occurrences of general use compared with 76 occurrences of legal use:

Table 5.43: Total of general & legal uses

Textbook	A	B	C	D	Total
General	24 (24.0%)	26 (96.2%)	39 (81.2%)	18 (27.3%)	108
Legal	76 (76.0%)	1 (3.7%)	9 (18.8%)	48 (72.7%)	133
Total	100	27	48	66	241

Both textbooks (C) and (D) are about cases, but there are significant differences in their use of lexis. In the former book (C), the words are mainly used in general uses (81.2%). On the other hand, in the latter book (D), 72.7% of the words have legal uses. Clearly, other factors (such as the author's style) are more important than the subject matter of the book in influencing lexical use.

Findings 2: The following words do not occur in the corpus:

counterpart, covenant, demise, executed, motion, prayer, prejudice, specialty, tenement.

Findings 3: The following words occur both with a general and a legal use in a particular textbook. In the following list, *charge (D)* indicates that the word **charge** occurs in textbook (D):

charge (D), damages (D), find (A), hear (A), hearing (A), presents (A), hold (A), said (A), serve (c), show (A), try (A).

Findings 4: The following words occur only with a general use in the textbooks indicated:

action (B), alien (A), assigns (D), avoid (A)(C), charge (C), conclude (C)(D), consideration (B)(C), damages (D), exception (B), find (B)(C), hand (A)(B), instrument (B)(C), letters (B), move (B)(C), lead (B), presents (B)(C), provided (B)(C), purchase (C), said (A), service (C), show (B), standing (D), suit (A)(B), try (B).

Findings 5: The following words occur only with a legal use in the textbooks indicated:

action (A)(D), appearance (C), bar (A)(C), bench (A), charge (A), consideration (A), deed (D), demur (A), find (D), hold (C)(D), letters (C), master (A), move (D), party (C)(D), plead (A), provided (A), save (A), serve (A), service (A), show (C), suit (D), trial (A)(D), virtue (C).

Findings 6: The following words occur in the corpus with a both general and a legal use.

action, charge, consideration, damages, find, hear, hearing, hold, letters, move, plead, presents, provided, said, serve, service, show, suit, try.

In the first part of Section 5.1, I compared the 48 words with three lists; M.E. list, Nation's list and JACET list. It was found that most of the 48 words appear with only general uses in Nation's list except for the words *hear* and *hearing*. Law students have to know the different uses of the 48 words to read legal texts. Law students might not necessarily notice whether a word is used with a general or legal meaning. As Hare (1993) states (see Section 4.2.1), in reading legal texts, law students tend to misinterpret the legal words unless guidance is given. In addition, it is apparent that, even when a text is discussing legal cases, the words are not always used in a legal sense. Hence, we EALP teachers must indicate that there are many ways of using words even in legal textbooks, and whatever books are used, teachers need to spend time investigating the essential lexical use in order to prepare students appropriately.

In the next section, I compare four vocabulary lists.

5.2.2: A comparison of lexical items

In this section, I compare four vocabulary lists, one of which has already been used at high school level in Japan: the Ministry of Education List. Two of the lists: Nation and JACET were made for studying at university level. The third is the list of words found in the present corpus of legal textbooks.

I identify which lexical items from the textbooks do not occur in each of the previous lists.

The lexical items from Textbook A, B, C, and D are described in alphabetical order in each comparison. As it is apparent that structural words occur frequently in each text, this comparison will focus only on the non-structural words.

(1) Introduction to the lists

Before comparing the above legal textbook list of lexical items list with (A) the Ministry of Education List, (B) Nation's 3,000 Wordlist, and (C) JACET 4,000 Basic Words, an introduction to each list is necessary.

(A) The Ministry of Education List

As has been already stated in Section 2.3, the Ministry of Education, Science and Culture (latest edition 1994) defines "The Course of Study for Lower Secondary School: Foreign Languages". In these guidelines, approximately 1,000 words are selected (listed in Appendix 5.1). This is targeted for lower secondary level (junior high school) level. Since the second world war, all the Japanese students have learnt English under this syllabus in junior high school (see Section 1.3). Hence, university students are, at least, supposed to have acquired these 1000 words.

(B) Nation's 3000 Wordlist

Nation (1984, revised. 1986) introduces "Vocabulary Lists: Words, Affixes and Stems". The list is composed of three parts or 'ranges'; (1) the first 1000 words, called 'Little Language', (2) the second 1000 wordlist, and (3) the third 1000 wordlist. For the detailed information about the three lists, please refer to the original (Nation, 1984, rev. 1986). Nation (1986:3) states that the first 1000 words were selected to meet the following principles:

1. language needs
2. frequency
3. range
4. Economy

5. regularity
6. defining power
7. classroom and teaching needs

He continues that the words in the first 1000 wordlist are intended for both receptive and productive use:

1. Because the words are carefully chosen according to the principles described above, it is a list of words to teach.
2. The first 1000 word list is ideally suited to writing easy material.
3. The list has also been used by learners as a reference list and as a goal.

On the difference between the first 1000 words and the extra 2000 words, he (1984, rev.1986:3) comments that, on a school course, the aim is to teach:

a 1000 word productive vocabulary which enable the learners to use language as a system of communication.

Students also need a:

receptive (or recognition) vocabulary of an extra 2000 words, which enables them to read and so become independent of their language teachers. Learners at this stage should also be able to guess from context and use a dictionary.

He points out that a learner needs to be able to recognise about 3000 words of the most frequent words in English in order to read English materials. Those who have acquired the first 1000 words need the extra 2000 words for receptive use.

(C) JACET 4000 Basic Words

JACET (The Japan Association of College English Teachers, 1993) has constructed a list of basic words for 'general education' (in the Japanese sense) for students at university level (1st & 2nd year). As has been explained in Section 1.3, although general education is theoretically abolished, in practice, the system still exists. As a standard for English language education at a university, JACET (1993) recommends English language teachers to use the list in many ways.

JACET (1993) divides all the words into five frequency types:

- 1: 1 - 500 grade
- 2: 501 - 1000 grade
- 3: 1001 - 2000 grade
- 4: 2001 - 3000 grade
- 5: 3001 - 5000 grade

*note: Range 5 is a frequency rank from 3001 to 5000. It is not clear why the name of this list is called "the 4000 Basic Words".

JACET (1993) also categorises the words into 14 types of thesaurus as follows and codes each word with a letter and a number:

- A: Life and Living Things
- B: The Body; its Function and Welfare
- C: People and the Family
- D: Buildings, Houses, the Home, Clothes
- E: Food, Drink, and Farming
- F: Feelings, Emotions, Attitude, and Sensations
- G: Thought and Communication, language and Grammar
- H: Substance, Materials, Objects, and Equipment
- I: Arts and Crafts, Science and Technology, Industry and Education
- J: Numbers, Measurement, Money, and Commerce
- K: Entertainment, Sports, and Games
- L: Space and Time
- M: Movement, Location, Travel, and Transport
- N: General and Abstract Terms

For example, "law 2C" means that the word "law" is placed in the 2nd range (501-1000) and categorised into the group of C: People and Family.

(2) *Comparison of the four lists*

(A) **The Ministry of Education List**

We can expect all students entering university to have a good command of the lexis in the Ministry of Education list. However, this will not enable these students to cope with the lexis in the legal textbooks that they are required to read.

The following table 5.42 indicates how many words occur in the M.E. list in comparison with the words in each chapter:

Table 5.44: The occurrences in M.E. list				
	A	B	C	D
Total	1,128	1,070	1,058	317
M.E.	83	125	111	73
	(7.4%)	(11.7%)	10.6%	(23.0%)

It is apparent that the M.E. list does not cover the lexical items in each textbook. Only the following words in the legal textbook corpus occur in the Ministry of Education

List:

(Textbook A) 83 lexical items
all, always, another, any, anyone, ask, beautiful, become, book, bring, build, bus, buy, call, car, city, class, close, college, country, county, cut, day, different, do, door, down, draw, drive, each, easily, easy, fall, family, far, fast, few, find, fine, first, foot, game, get, give, go, good, great, grow, hand, have, head, help, here, high, hill, house, important, introduce, keep, kind, know, land, language, large, last, late, let, life, like, listen, little, long, look, make, many, mean, meet, money, more, most, much, name, need, next, nothing, now, often, old, open, other, paper, people, play, pretty, put, question, read, red, remember, right, rise, room, run, same, say, see, short, show, sit, some, someone, something, sometime, speak, spring, stand, station, stay, steel, street, strong, student, study, take, teach, think, time, today, together, town, try,

turn, understand, use, useful, usually, visit, wait, walk, want, way, woman, word, work, world, write, wrong, young.

(Textbook B) 125 lexical items

all, already, another, answer, any, anything, April, arrive, ask, become, begin, book, brother, call, carry, chair, city, class, close, come, country, day, different, do, down, dive, English, everyone, everything, face, fall, family, February, feel, few, fine, give, go, good, great, ground, half, hand, have, head, high, hope, house, idea, implement, important, internal, introduce, January, July, large, last, late, learn, left, let, letter, like, little, live, London, make, many, March, mean, more, most, much, name, near, need, new, next, now, October, often, old, only, other, people, plan, play, popular, question, right, same, school, see, short, show, sit, small, some, sometimes, stand, start, student, study, summer, take, time, today, together, try, understand, unite, use, want, woman, word, work, world, writ, year, young,

(Textbook C) 111 lexical items

all, another, answer, any, arrive, ask, become, begin, book, but, buy, call, car, city, class, close, come, country, day, different, do, draw, early, English, enjoy, every, far, face, find, flower, get, give, go, half, hard, have, hide, hourly, idea, important, introduce, Japan, Japanese, keep, know, language, large, last, later, lend, letter, light, like, little, live long, lose, make, many, most, much, music, name, near, need, new, now, often, old, only, open, other, people, play, question, read, rise, same, sell, send, single, small, solve, some, someone, something, sometimes, speak, spend, stay, student, take, talk, time, today, turn, use, useful, usually, want, way, week, welcome, work, world, worry, year.

(Textbook D) 73 lexical items

all, another, any, April, August, bad, become, bring, but, car, carry, close, do, drive, each, enough, excuse, face, fast, fall, find, fly, force, give, go, good, ground, hard, have, horse, introduce, kind, large, last, left, light, man, manage, mean, Monday, money, more, much, new, nothing, now, other, put, question, raise, ride, right, run, same, Saturday, say, see, September, show, some, stop, street, take, think, time, town, Tuesday, use, want, way, wrong, yard.

In order to save space, the lists of the words which do not occur in M.E.

Wordlist are omitted here, but are included in the other lists to be discussed and presented in this chapter.

Of course, in high school, even the above words are not targeted for academic or legal use at university level. Nevertheless, it would be possible to teach, even at junior high school level, that the word *said* has different uses (see Section 5.2.2). Good vocabulary teaching would make the learners aware that words have many meanings and uses. Japanese language learners sometimes fail to recognise the variety of language use. Concerning vocabulary, in particular, a word which was taught at beginner's level has often been memorised as having only 'one' meaning, and when students meet the word in a new context, confusion results.

Secondly, in Textbook D, the words in the Ministry of Education's list occur more frequently (proportionally) than in the other three textbooks. Textbook (D) should theoretically be easier to read, but this is not actually the case. The reason for the higher frequency is that textbook contains case study examples.

(B) Nation's 3000 Wordlist

The following table shows the number of lexical items (from each textbook) which occur in each range of Nation's 3,000 Wordlist..

The first line of Table 5.45 shows the total number of lexical items in each textbook chapter. The following lines indicate the number of words found in each of Nation's ranges and the percentage of the total number. Thus in textbook A, 74.4% of the vocabulary is in Nation's list and only 25.6% is not found in Nations' list.

Table 5.44: The occurrences in Nation's list

	A	B	C	D
Total	1,135	1,083	1,063	350
(Range 1)	397(35.0%)	324(30.0%)	310(29.2%)	153(43.7%)
(Range 2)	348(30.7%)	372(34.3%)	402(37.8%)	91(26.0%)
(Range 3)	100(8.8%)	146(13.5%)	130(12.2%)	28(8.0%)
(Others)	290(25.6%)	241(22.3%)	216(20.3%)	82(23.7%)

The words from the textbooks which do not occur in Nation's 3000 Wordlist can be seen in Appendix 5.2.

It is apparent that Nation's 3000 Wordlist does not cover all the lexical items in each textbook. However, it can be seen that some of these words could be said to have general academic use (for example: *carelessness, explicitly, extricature, improbable, prominent, prospective, resolve, solely*). Whereas others have specifically legal meanings (for example: *appellant, assize, judiciary, jurisprudence, plaintiff*). In the textbooks, some legal terms are explained, but others are not. This means that (a) the English language teachers need to take on the responsibility of helping students to acquire the extra vocabulary, (b) the students need to know how to use both general and legal dictionaries and (c) students need help in recognising the meanings of words in text (see section 7.1.2. for further discussion).

With respect to legal terminology, the following significant legal words from the textbooks do not occur in Nation's 3000 Wordlist:

adviser, aforesaid, aggregate, alienate, allege, appellant, applicable, appropriateness, argumantative, attorney, audience, authorise, avoidance, barrister, bench, beneficially, briefly, caustic, certiorari, chair, charter, citation, cite, client, conditional, confine, contractual, counsel, courteous, debtor, deed, default, defendant(s), demur, demurrer, doctrine, draft, employee, employment, enact, equity, evidency, extraordinary, fraud, guardianship, habeas, hitherto, ibid, improper, improperly, indict, indictment, injunction, instead, intent, judgment, judicature, judicial, judicially, judiciary, jurisdiction, jurisprudence, jurist, jury, lawfully, lawsuit, layman, leaseback, legislative, legislator, legislature, lord, lot, magistrate, mandate, manslaughter, negligence, negligent, negligently, neighbour, nominal, normal, petitioner, plaintiff, plea, plead, pleader, police, presentation, prosecute, prosecution, prosecutor, reasonable, reasonably, recipe, recipient, relate, replication, representation,

residue, serjeant, shew, solicitor, substantive, sue, suitor, testator, testimony, tort, tortuous, trespass, trustee, unjust, verdict, versus, vice, virtue, writ.

In Nation's list, only Range (1) indicates the meanings and the examples of how the language is used. Interestingly, the word *hear* is defined with its legal use.

Hence, it is important for teachers to set the appropriate contexts for the words they choose to teach. These contexts may include both general and legal as Hare (1992) indicates (see Section 4.2.1).

(C) JACET Basic Words 4000

Lastly, the following table shows how many lexical items occur in JACET Basic Words 4000 List:

Table. 5.46: The occurrences in JACET list				
	A	B	C	D
Total	1,128	1,074	1,058	317
(Range 1)	223(19.8%)	192(17.9%)	183(17.3%)	56(17.7%)
(Range 2)	169(15.0%)	148(13.8%)	158(14.9%)	50(15.8%)
(Range 3)	207(18.3%)	187(17.5%)	205(19.4%)	64(20.2%)
(Range 4)	116(10.3%)	124(11.6%)	131(12.4%)	44(13.9%)
(Range 5)	85(7.5%)	104(9.7%)	84(7.9%)	19(6.0%)
(Others)	328(29.1%)	320(29.9%)	297(20.1%)	86(26.5%)

The words from the textbooks which do not occur in the JACET Basic Words 4000 can be seen in Appendix 5.3.

Thus, neither Nation's list nor JACET Basic Words 4000 covers all the lexical items in each textbook. Moreover, the following significant legal words from the textbooks do not occur in the JACET list:

adviser, advocacy, advocate, aforesaid, aggregate, alienate, allege, answerable, appellant, applicability, applicable, appropriateness, arbitration, argumentative, attorney, audience, authorise, avoidance, barrister, beneficially, briefly, caustic, certiorari, charter, citation, cite, civilian, client, complaint, conclude, conditional, confess, confession, confine, contractual, convey, counsel, courteous, debtor, declaration, declare, default, defence, defend, defendant(s), deliver, demur, demurrer, enact, equity, fraud, guarantee, guardianship, habeas, hitherto, ibid, improper, improperly, indict, indictment, injunction, inspector, interpretation, judicature, judicial, judicially, judiciary, jurisdiction, jurisprudence, jurist, lawfully, lawsuit, layman, leaseback, legally, legislative, legislator, legislature, magistrate, mandate, manslaughter, negligence, negligent, negligently, neighbour, nominal, normal, notable, notably, parliament, partnership, petitioner, plaintiff, plea, plead, pleader, presentation, prevail, prey, presentation, prevail, principally, prisoner, properly, prosecute, prosecution, prosecutor, purchaser, reasonably, recipe, recipient, replication, representation, requirement, serjeant, shew, solicitor, statute, statutory, substantive, sue, suitor, testator, testimony, tort, tortuous, trespass, trustee, undertake, unjust, verdict, versus, writ.

We know that this JACET list is produced for all students in universities, - not just for law students. Nonetheless, this list could be used for law students if some

procedures were applied to this list. For example, the list could incorporate functional categorisation, indicating, for example, legal terms.

In conclusion, it can be seen that the M.E. list covers only between 7.4% and 23.0% of the words in each textbook. Nation's list covers between 74.4% and 76.3% of the words of the words and the JACET list covers between 69.8%, and 79.9%. From this comparison, it is apparent that M.E. list is not suitable for reading law through English. Although Nation's list seems to be superior to the JACET list, even that list leaves between 20 and 25% of the lexis uncovered. The missing words include fairly rare words, such as *chestnut* and *zenith*, that may not be generally useful, but also significant legal lexis, such as *acquit* and *verdict*.

The following is a list of the words from the corpus which do not occur either in Nation's list or JACET list at all:

abbreviate	appellant	
abridge	appellate	canon,
abrogate	applicable	carelessness
abrogation	appropriateness	cassation
abuse	apt	catastrophe
accord	argumentative	caustic
accordance	aspiration	cement
accordingly	assault	certiorari
accredit	assize	chancellor
acquit	austerity	chancery
acquittal	authentic	charitable
adjectival	authorise	charter
adjudicature	authoritatively	chestnut
admiralty	avermant	circuit
admissible	avert	citation
adviser	avoidance	cite
advisory	await	clause
affiliate	awareness	clerical
affiliation		client
affirmative	bane	codification
aforesaid	bard	collaboration
aggregate	barrister	collective
aggrieve	barter	collectively
alienate	bas	collision
allegation	beneficially	colloquially
allege	bilateral	commence
alleviation	boldest	commission
alphabetique	boldly	commissioner
amalgamate	boost	commonwealth
amendment	bow	community
amongst	breach	complacency
analysis	brevity	complainant
annex	briefly	conciliation
antiquate	bruise	concur
antique	bureaucracy	conditional
antiquity	buyer	confine
antitrust	bylaws	conform

congratulate
 consequential
 consultant
 continually
 contractual
 contributor
 corpus
 correctness
 counsel
 countercheck
 counterclaim
 countertrade
 countervail
 cour
 courteous
 craftsmanship
 creator
 curtailment
 custody
 customary
 dealer
 debtor
 defamation
 default
 defendant(s)
 defer
 deferral
 demur
 demurrer
 dependency
 deputy
 detain
 detriment
 devastate
 diagrammatically
 dialogue
 dichotomy
 disadvantage
 discern
 disclose
 discord
 dislocation
 disobedience
 disorderly
 disparity
 dispose
 dissatisfy
 disseminate
 dissimilar
 dissipate
 dissolutional
 distinguishable
 disuse
 divergence
 diversify
 divisional
 doctrinaire
 doctrinal
 domain

dormant
 dumb
 dump

 elusive
 embark
 emperor
 enact
 encyclopedia
 enforcement
 entity
 entrust
 enumerate
 equity
 erudition
 etymologically
 exalt
 exchequer
 exegesis
 exemption
 exorbitant
 exotic
 expertise
 explicit
 explication
 expressly
 expropriation
 extraterritorial
 extremism
 extrication

 factionalism
 fetishism
 feudal
 fob
 foresee
 foreseeable
 forgetfulness
 forum
 founder
 fracture
 fraud

 gemine
 generic
 global
 grammatically
 grievance
 guardianship
 guise

 habeas
 hallmark
 haulage
 headway
 hemisphere
 hierarchy
 hitherto
 hobbyist

homologate
 homosexual
 hourly
 hybrid
 hydroelectric

 ibid
 identifiable
 ideological
 illegitimate
 illusive
 imbalance
 immobility
 immovable
 impede
 impediment
 impedimental
 imperial
 implication
 imprisonment
 improbable
 improper
 improperly
 inaugural
 inaugurate
 inconsistent
 inconvenient
 indictable
 indictment
 individualism
 inexorably
 informally
 infrastructure
 inherit
 injunction
 injustice
 inn
 insolent
 intent
 internationally
 intoxicate
 introductory
 inveterate
 invoke
 ironically
 irrelevant
 irrespective

 judicature
 judicial
 judiciary
 jurisdiction
 jurisprudence
 jurist

 laudable
 lawsuit
 layman
 leaseback

legislative	oddity	probate
legislator	offset	probation
legislature	onward	problematic
letterhead	openly	procurement
licensor	orchid	profusion
linguistic	ordeal	prominent
linkage	organ	promulgate
literal	orientate	pronouncement
litigant	outer	proponent
litigation	outset	prosecute
lookout	oversee	prosecution
loosely	overturn	prosecutor
lordship	overview	proselytise
ludgate		prospective
	panic	province
magistrate	paradox	provincial
maiden	paterfamilias	provoke
maine	pathetic	
mandamus	patriotically	rationality
mandate	payment	readable
manifold	peer	reasonably
manslaughter	peregrinate	recess
matrimonial	permissible	reciprocal
marxis	perpetuate	reciprocity
masterpiece	pervasive	recite
maze	petitioner	reconsider
meaningless	petty	reconstruction
medieval	plaintiff	recourse
mini	planiol	rector
miscellany	plea	rectus
misnomer	plead	rediscover
mistakenly	pleader	reed
mistrust	polemic	regina
mitigate	polytechnic	regionalization
modernization	positivism	regulatory
monotony	positivist	rehear
multi	positivistic	reliance
multilateral	posthumous	reluctant
multinational	posture	remnant
	practionner	repay
nationalistic	pratique	repeal
nationally	precaution	repertoire
nattrass	precedent	replication
negation	precisely	representation
negligence	preclude	repugnant
negligent	preclusion	resale
negligently	predecessor	reside
nicce	predominant	residue
nominal	preliminary	resolutely
nonalign	preparatory	resort
nonmarket	preposition	restrictive
nontariff	presentation	restrictiveness
norm	preside	retail
normal	presume	retailer
	pretension	retaliatory
oboist	primacy	retention
obsession	principality	retort
obstruct	privatisation	revenge
obstruction	privy	rex

robe	swiftly	unduly
Roman	syllabus	unenthusiastic
	symphony	unequal
scholarly	synonymous	inexcite
sectoral	systematic	unfair
seller	systematization	unitarily
serjeant	systematize	unjust
settee		unjustify
settler	tariff	unjustly
shew	teil	unlikely
shipbuild	temperamentally	unnotice
shorten	tempest	unpay
signalman	temporarily	unqualify
signify	terminology	unrhetorical
similarly	testator	usefulness
sin	testify	usher
sloppily	testimony	utilitarianism
sociological	text	
sole	theorique	verdict
solely	thesis	verification
solicitor	throne	versus
sovereign	tort	vest
sphere	tortuous	violate
squatter	traduit	violation
stabilization	trait	virulent
straightforward	transnational	visa
stature	transpire	
sterility	traverse	wedge
stipendiary	treasury	westerly
sub	trespass	wholesale
subjective	trespasser	woolly
subsidy	triable	worldwide
substantive	tribunal	writ
successor	trustee	wrongful
sue	trustent	wrung
suitor	turbulent	
suivant	turf	xenophobic
summarily		
supplant	uncertainly	zenith
supportive	understandable	
surplus	undoubtedly	

In Nation's list, in addition, only the word *hear* and *hearing* were described with their legal use. Of course, the number of the words which should be required at university level is still open to debate. However, the more significant point is to encourage university students to know how to interpret these words in each context, including the legal context. For Japanese university students, there seems to be nowhere that the need for legal terminology is specified. We should consider how to use these vocabulary lists in teaching English language in the department of Law. Most lists can be valuable if they are used effectively and with appropriate teaching methods.

5.2.3. An Essential Wordlist

From the corpus and the previous lists, I have attempted to construct a list of essential words for legal reading that would build on the words learned in high school. These are words that students are unlikely to have met before, at least with the current meaning and use, but which they will need for their required reading. The list includes a large number of legal terms but is not exclusively a legal list. It includes some words from Nation's University Wordlist and some from the JACET list.

The legal terms in the list are marked with an asterisk as are words associated with criminal activities that frequently appear in legal contexts (for example, "abuse" and "theft"). Not all the words marked "*" have an obvious legal meaning but are used here in their legal sense, for example, the word **said** in the context "the **said** train carriages" (meaning *previously mentioned*).

From this list, the following types of the words are excluded: Law Latin words, Law French words, personal nouns, and abbreviations.

abolish (v)	* adopt (v)	announce (v)
* abolition (n)	* adoption (n)	announcement (n)
abbreviate	advertise (v)	answer (v)
* abuse (v)	advice (n)	answerable (adj)
academic (adj)	advise (v)	* antitrust (n)
accept (v)	* advocacy (n)	* appeal (n,v)
acceptable (adj)	* advocate (v)	* appear (v)
accident (n)	affect (n)	* appearance (n)
accompany (v)	* affirmation (n)	* appellant (adj)
accomplish (v)	* aforesaid (adj)	appellate (v)
according (n)	afterwards (adv)	application (n)
account (n)	agency (n)	apply (v)
accuse (v)	aggregate (v)	appoint (v)
achieve (v)	* aggrieve (v)	appreciate (v)
acquire (v)	agree (v)	approach (v)
* acquit (v)	agreement (n)	appropriate (adj)
* acquittal (n)	* alien (n)	appropriateness (n)
* act (n,v)	alignment (n)	* arbitration (n)
* action (n)	allegation (n)	argument (n)
activity (n)	allege (v)	arrange (v)
adapt (v)	allocate (v)	arrangement (n)
adaption (n)	allocation (n)	art (n)
additional (adj)	allow (v)	article (n)
address (n,v)	alter (v)	aspiration (n)
adhere (v)	alteration (n)	* assault (v)
adjectival (adj)	alternative (adj)	* assert (v)
* adjudicature (n)	alternatively (adv)	* assign (v)
administer (v)	* amalgamate (v)	* assize (v)
administration (n)	ambiguous (adj)	association (n)
admissible (adj)	ambitious (adj)	assume (v)
admit (v)	* amendment (n)	assumption (n)
	amount (n)	attempt (n,v)
	* annex (v)	

- * attorney (n)
- attract (v)
- attribute (v)
- audience (n)
- * authorise (v)
- authority (n)
- autonomy (n)
- avail (v)
- avoid (v)
- * avoidance (n)
- await (v)
- aware (adj)
- awareness (n)
-
- * bar (n)
- * barrister (n)
- behaviour (n)
- * bench (n)
- * beneficiary (n)
- * benefit (n)
- * board (n)
- * bound (adj)
- * breach (n)
- business (n)
- * bylaws (adv)
-
- capital (n)
- careful (adj)
- * case (n)
- * cause (n,v)
- certificate (n)
- * certify (v)
- * certiorari (n)
- * chancellor (n)
- chapter (n)
- * charge (n)
- * circuit (n)
- * citation (n)
- * cite (v)
- * civil (adj)
- * civilian (adj)
- * claim (v)
- classify (v)
- clerical (adj)
- * clerk (n)
- * client (n)
- * code (n)
- * codification (n)
- * codify (v)
- collaboration (n)
- commence (v)
- commentary (n)
- commerce (v)
- commercial (adj)
- * commit (v)
- * commission (n)
- * common (adj)
- community (n)
- complain (v)
-
- * complaint (n)
- comprise (v)
- conclude (v)
- conclusion (n)
- concur (v)
- conduct (c)
- * confess (v)
- * confession (n)
- * confine (v)
- conflict (v)
- conform (v)
- consideration (n)
- * constitution (n)
- consult (v)
- consultant (v)
- continental (adj)
- * contract (n,v)
- contribute (v)
- contributory (n)
- * convention (n)
- * convict (v)
- * conviction (n)
- corporate (v)
- corporation (n)
- counsel (n)
- countercheck (v,n)
- * counterclaim (n,v)
- * countervail (n,v)
- country (n)
- count (n,v)
- county (n)
- * court (n)
- courteous (adj)
- credit (n,v)
- * crime (n)
- * criminal (adj)
- critical (adj)
- criticism (n)
- criticize (v)
- * crown (n)
- * custom (n)
- * customary (adj)
-
- * damage (n,v)
- * damages (n)
- deal (v)
- * debtor (n)
- declaration (n)
- declare (v)
- * defamation (n)
- * default (n)
- * defect (n)
- * defence (n)
- * defendant (n)
- * defend (v)
- * deferral (n)
- * defer (v)
-
- define (v)
- demand (v)
- * demur (v)
- * demurer (n)
- deputy (n)
- * detriment (n)
- devote (v)
- dew (n)
- diminish (v)
- direct (v)
- * discharge (v)
- * discrimination (n)
- * disobedience (n)
- dispute (v)
- disrupt (v)
- distinguish (v)
- distribution (n)
- * division (n)
- * divisional (adj)
- document (n)
- dormant (n)
- * doth (conj)
- * draft (v)
-
- economic (adj)
- economics (n)
- economy (n)
- elaborate (v)
- element (n)
- employ (v)
- employee (n)
- * enact (v)
- * enforce (v)
- * enforcement (n)
- enterprise (v)
- * entitle (v)
- * entity (n)
- * entrust (v)
- * equity (n)
- equivalent (adj)
- establish (v)
- evidence (n)
- evolution (n)
- evolve (v)
- exaggerate (v)
- exalt (v)
- except (n)
- exception (n)
- exchange (v)
- exclude (v)
- exclusively (adv)
- * exegesis (n)
- * exegete (v)
- * exegetical (adj)
-
- facilitate (v)
- facility (n)
- fact (n)

- fail (n)
 * fault (n)
 favour (n)
 finance (n)
 firm (n)
 forbid (v)
 formal (adj)
 found (v)
 function (n)
 fund (n)
- govern (v)
 government (n)
 guarantee (n,v)
 guardianship (n)
 * guilty (n)
- hand (n)
 * hath (conj)
 * hear (v)
 * hearing (n)
- idea (n)
 ideal (adj)
 identical (adj)
 identify (v)
 ideological (adj)
 illustrate (v)
 illustration (n)
 imbalance (n)
 * impede (v)
 * impediment (n)
 implement (v)
 implementation (n)
 * imprisonment (n)
 improper (adj)
 improperly (adv)
 * inaugural (adj)
 * inaugurate (v)
 incident (n)
 indication (n)
 * indict (v)
 * indictable (adj)
 * indictment (n)
 * inflict (v)
 informal (adj)
 infrastructure (n)
 initially (adv)
 initiate (v)
 initiative (adj)
 * injustice (n)
 inquiry (n)
 insolvent (n)
 inspector (n)
 inspire (v)
 institution (n)
 integrate (v)
 integration (n)
- * intent (v)
 * intention (n)
 interest (n)
 interfere (v)
 interpret (v)
 interpretation (n)
 investment (n)
 investor (n)
 * invoke (v)
 issue (n)
- joint (n)
 * judge (n)
 * judgment (n)
 * judicature (n)
 * judicial (adj)
 * judiciary (n)
 * jurisdiction (n)
 * jurisprudence (n)
 * jurist (n)
 * jury (n)
 * justice (n)
- kingdom (n)
- * Latin (n)
 * law (n)
 * lawfully (adv)
 * lawsuit (n)
 * lawyer (n)
 * layman (n)
 * legal (adj)
 * legally (adv)
 * legislation (n)
 * legislative (adj)
 * legislator (n)
 * legislature (n)
 letter (n)
 * liable (adj)
 * liability (n)
 * license (v)
 literal (adj)
 * litigant (n)
 * litigation (n)
 local (adj)
 * lord (n)
 * lordship (n)
- * magistrate (adj)
 * maiden (adj)
 * maintain (v)
 * maintenance (n)
 manage (v)
 management (n)
 * mandamus (n)
 * mandate (v)
 manifold (v)
 * manslaughter (n)
 manufacture (n)
- * matrimonial (adj)
 matter (n)
 mean (n,v)
 mention (v)
 minister (n)
 mistrust (n)
 * mitigate (v)
 modification (n)
 * monopoly (n)
 move (n,v)
 movement (n)
 multinational (adj)
- * Napoleon (n)
 * Napoleonic (adj)
 nation (n)
 national (adj)
 nationalistic (adj)
 nationality (n)
 * neglect (v)
 * negligence (n)
 * negligent (adj)
 * negligently (adv)
 negotiate (v)
 negotiation (n)
 nonmarket (n)
 * nontariff (n)
 notable (adj)
 notably (adv)
 * note (v)
 * notice (n)
 * notion (n)
- object (n,v)
 objection (n)
 objective (n)
 * obligation (n)
 * oblige (v)
 observe (v)
 obsolete (v)
 * obstacle (n)
 * obstruct (v)
 obstruction (n)
 obtain (v)
 occasion (n)
 occupation (n)
 * occupier (n)
 * occupy (v)
 * offence (n)
 * offender (n)
 operate (v)
 oppose (v)
 opposition (n)
 orchid (n)
 order (n)
 organization (n)
 orientation (n)
 outset (v)

- outside (adv)
- oversee (v)
- overturn (v)
- * overview (v)
- owe (v)
- own (v)

- parliament (n)
- participant (n)
- participate (v)
- party (n)
- partner (n)
- payment (n)
- peculiar (adj)
- peculiarity (n)
- peculiarly (adv)
- * peer (n,v)
- penetrate (v)
- permissible (adj)
- permission (n)
- permit (v)
- perpetuate (v)
- persistent (adj)
- perspective (adj)
- * petitioner (n)
- * plaintiff (n)
- * plea (n)
- * plead (v)
- * pleading (n)
- posture (n)
- practice (n)
- * precedent (n)
- * preclude (v)
- * preclusion (n)
- * predecessor (n)
- predictability (n)
- predominant (adj)
- prefer (v)
- preliminary (adj)
- prescribe (v)
- present (adj, v)
- presentation (n)
- preserve (v)
- preside (v)
- president (n)
- prestige (n)
- presume (v)
- pretend (v)
- pretension (n)
- prevail (v)
- primarily (adv)
- prison (n)
- prisoner (n)
- privacy (n)
- private (adj)
- privatisation (n)
- privy (n)
- privilege (v)

- * probate (v)
- * probation (n)
- * procedural (adj)
- * procedure (n)
- * proceed (v)
- * proceeding (n)
- * procurement (n)
- profit (n)
- * prohibition (n)
- prohibitive (adj)
- prominent (n)
- promote (v)
- promotion (n)
- * promulgate (v)
- * promulgation (n)
- pronounce (v)
- pronouncement (n)
- * proof (n)
- proposal (n)
- * prosecute (v)
- * prosecution (n)
- * prosecutor (n)
- prospective (adj)
- protect (v)
- protection (n)
- province (n)
- provincial (adj)
- provision (n)
- provoke (v)
- public (adj)
- * punish (v)
- * punishment (n)
- purchase (v)
- purchaser (n)
- pursue (v)

- qualification (n)
- qualify (v)
- quarrel (n)
- quarrelsome (adj)
- queen (n)

- raise (v)
- recipe (v)
- * recipient (n)
- * reciprocal (adj)
- * reciprocity (n)
- rector (n)
- refer (v)
- reference (n)
- * referral (n)
- refine (v)
- * reform (v)
- refuse (v)
- * regime (n)
- * regina (n)
- regional (adj)
- region (n)

- regulation (n)
- regulatory (n)
- * rehear (v)
- reject (v)
- reluctant (adj)
- repeal (v)
- replace (v)
- replication (n)
- * represent (v)
- * representation (n)
- * representative (adj)
- republic (n)
- repute (v)
- request (n,v)
- require (v)
- requirement (n)
- reside (v)
- respond (v)
- * respondent (n)
- * response (n)
- * retain (v)
- * retainer (n)
- * retention (n)
- * retort (n)
- * right (n)
- role (n)
- * Roman (n)
- * Romanist (n)
- rule (n,v)

- * said (v)
- * scholar (n)
- * scholarly (adv)
- scholarship (n)
- section (n)
- * sector (n)
- * sectoral (adj)
- * secure (v)
- * security (n)
- * sentence (v)
- * serve (v)
- * service (n)
- * settle (v)
- * settlement (n)
- * sign (v)
- * signatory (n)
- state (v)
- * statement (n)
- * statute (n)
- * statutory (adj)
- subordination (n)
- * subsidiary (n)
- * subsidize (v)
- substance (n)
- substantial (adj)
- * substantive (adj)
- * succeed (v)
- * succession (n)

* successor (n)	trace (v)	unqualified (adj)
successive (adj)	trade (n,v)	unrhetorical (adj)
* sue (v)	trader (n)	
* suit (v)	transaction (n)	* venture (n)
* suitor (n)	transfer (v)	version (n)
* suivant (n)	transform (v)	* versus (conj)
sum (n)	transformation (n)	vest (v)
* supremacy (n)	transit (n)	* vice (adj)
* supreme (adj)	transpire (v)	* victim (n)
	transport (v)	view (n,v)
	transportation (n)	virtually (adv)
* tariff (n)	traverse (v)	* virtue (n)
territory (n)	treat (v)	volume (n)
* testator (n)	treatment (n)	vote (v)
* testify (v)	* treaty (n)	
* testimony (n)	* trespass (v)	when (conj)
* theft (n)	* trespasser (n)	whereas (conj)
there (adv)	* trial (n)	whereby (conj)
* thereby (adv)	* tribunal (n)	* wherefore (conj)
* therefore (adv)	* try (v)	* whereof (conj)
* therein (adv)	* trust (n)	* wherever (conj)
* thereafter (adv)	* trustee (n)	whole (adj)
* thereof (adv)	twist (v)	wholesome (adj)
throughout (adv)	unify (v)	* wholly (adv)
thus (adv)	union (n)	* wit (n)
tie (v)	unjust (adj)	withdraw (v)
time (n)	unjustify (v)	* writ (n)
* tort (n)	unnoticed (adj)	* wrong (n,adj)
tortuous (adj)	unpaid (adj)	* wrongful (adj)
tortuous (n)		

The next section investigates typical common phrases or collocational patterns in four types of legal textbooks.

5.2.4. *Interesting findings from the analysis of legal phraseology*

As has been stated in an earlier section of this chapter (5.1), many law students could not translate correctly the following phrases *common law*, *civil law*, or *the rule of law*. Although they already knew the words as separate independent items, students could not translate appropriately because they did not understand the specialised meanings of the phrases. In this section, I report on a search in my corpus for the above mentioned phrases and for other collocations of *common*, *civil*, *law*, *rule*. I then demonstrate how legal dictionaries deal with these terms.

(1) **civil**

The word **civil** occurs in 93 lines in the whole textbooks. The characteristic phrasal patterns of **civil** are as follows:

(i) Pattern 1: Collocated with a legal meaning *noun* as a pre-modifier

civil + noun

civil action on for the crime, and a **civil action** for the tort

civil case y way of alleviation, a n which each party to a ain, the less important corresponding words in closely at the trial of are similar to those in "against Sikes," (2) In) is a party she is, in s true that the jury in as in the court below.	civil case may go on appeal civil case relies. They civil cases are tried in the civil cases is "liable"; but civil cases . The courts civil cases . The defendant civil cases the "v." civil cases , usually called civil cases was taken from Civil cases will usually be
---	--

civil code troduction of the new plication of a common hing as a new Belgian world. Exegesis of a longer to work out a ar to introduce a new 9) But a new Belgian promulgated their own	civil code as a whole has civil code for the north and civil code . In the civil code is unknown, since civil code : that was civil ccode . The drafting of civil code was never civil code , which was
--	--

civil court in criminal contexts.	Civil and criminal <i>courts</i>
---	---

civil division in the Court of Appeal	(<i>Civil Division</i>), consisting
---	---------------------------------------

civil evidence and so are criminal and	civil evidence . The part
--	----------------------------------

civil judicature: ' courts, the system of	civil judicature explained
---	-----------------------------------

civil jurisdiction: he courts with original al court. (it has some gisrates also have some but they have important	civil jurisdiction are civil jurisdiction , but civil jurisdiction , chiefly civil jurisdiction over
---	---

civil law: nstance. Reform of the eoretcial and practical eoretical and practical k Recht ('Principles of e (d. 1887), who taught commentaries on English ure of the company in a rds <i>codification</i> of the lent attacks on it, So	civil law also began, but civil law also began, but civil law . Although this civil law) by the Ghent civil law for a haff a civil law in the manner of civil law setting. Thus civil law . The only branch civil law was not <i>codified</i> ,
---	---

civil obligation The only other type of	civil obligation (it is not
---	------------------------------------

civil offence
is; a misnomer; so is "civil offence" (the proper

civil procedure
evidence. Criminal and in court system and in des. In 1877 a code of evidence. The part of civil procedure are civil procedure. It must civil procedure that the civil procedures against

civil proceeding
The King (which was a il wrong. Criminal and le of being followed by other ways. Turning to civil proceeding against civil proceedings are (in civil proceedings, that civil proceedings, the

civil wrong
ween both a crime and is both a crime and a t it is regarded as a nd nuisance. It is a take a taxi. Another re important types of as traditional been a be both a crime and a proper expression is " of theft and also two between a crime and a civil wrong. If it is civil wrong. Criminal and civil wrong. If it is civil wrong is a breach of civil wrong is a TORT This civil wrongs may be briefly civil wrong. Occasionally at civil wrong, not (generally) civil wrong"). One does not civil wrong-the tort of civil wrong, though capable

(ii) Pattern 2: Collocated with legal meaning noun as a post-modifier

noun + civil
Code Civil:
ntially the 1804 Code Civil adapted on the basis Civil in 1883 but, owing to Civil au Gonseil d'Etat, Civil having failed. This is Civil, 21 vols., 1825-37). Civil are still in force in Civil of 1804, came into Civil, which was a decided Civil which incorporated Civil. His works amount Civil, from 1805 published an Civil: excessive Civil (Cours de droit Civil. His handbush des Civil was so close to Civil which follows the order Civil like a rock in a Civil had drawn so much,

droit civil
s elementare de droit civil (1878). The civil francais traudit civil, which appeared from of it Courts de droit civil, which appeared from e elementare de droit

e elementare de droit	civil; and A. Esmain (d.
et pratique de droit	civil (Paris, 1895 and many
rity: Precis de droit	civil (3 vols., Paris 1882-4,
rimestrielle de droit	civil. The essential theses
ish his work Le droit	civil explique suivant les

In both cases of post-modification, we find French terms.

(2) **common**

The word **common** occurs in 28 lines in the whole textbooks. The characteristic phrasal pattern of **common** is one type: **common** + *noun*. Other types of **common** phrases do not occur in the corpus.

common law: al Foundations of the	Common Law (2nd ed.) is the
ures in Equity and in	Common Law also disappeared
d distinction between	Common Law and Equity and
f derogation from the	Common Law and ought
old and often elusive	Common Law and replacing it
The dichotomy between	Common Law and statute was
be emphasized that in	Common Law any important
e procedural basis of	Common Law. At the same time
es was taken from the	Common Law, but its role was
substantive law. The	Common law had developed as a
facts. Prior to this	Common Law, had provided only
haracteristics of the	Common Law, in spite of
(formerly called, in	common law matters, a
list law, and how the	common law may vary in other
nisters primarily the	common law, the second
to provide a modern,	common law. (This had been
trictively, as if the	Common Law were the rule
ral principles of the	Common Law. Yet case law has

common market:	Common Market (ANCOM) enacted
d a half. The Andean	Common Market (CACM)
The Central American	Common Market (CARICOM) had
ecade. The Caribbean	Common Market; MNC products
s within the European	

common plea:	
rts of Queen's Bench,	Common Pleas, Exchequer,

common serjeant:	
the Recorder and the	Common Serjeant of the City

(3) **law**

The word **law** occurs in 39 lines in the whole textbooks. The characteristic phrasal patterns of **law** is as follows:

(i) Pattern 1: Collocated with *a modifying adjective*, usually functioning as a classifier rather than an epithet. (Halliday 1994: Bloor & Bloor 1995). A common construction of this type is the Nation + law pattern (e.g.) *English law; Germanic law*.

adjective + law

ancient law:

ine (d.1888), Ancient
erstanding of ancient
l approach to ancient
ctes, to whom ancient

law (1861); F.W.Maitland
law; the pandectists
law becomes increasingly
law was no more than

international business
international business
international business

law:
law, while others only
law. A client on a two week

case law:

, regulatory and case
Scholarship and case
mistrust of both case
ely developed by case
question now for case
risprudence from case
s encountered in case
t. As a result, case
om, scholarship, case
Common Law. Yet case

law it is now possible for EC
law had therefore to resist
law and scholarship, that
law. The dichotomy between
law or scholarship to attempt
law. BELGIUM AND THE
law. It was an attitude
law is the main source of law
law, natural law had only
law has taken sometimes

civil law: (see civel)

commercial law:

civil and commercial
y to unify commercial

law were codified. Until the
law: in 1862 the principal

common law: (see Common)

Community law:

is European Community
e impact of Community
question of Community

law facilitating a European
law, though at present
law. Britain is a party to

company law:

to be seen in company

law, trade marks and other

corporation law:

adopted, corporation
stence of corporation

laws and share ownership will
laws similar to those in the

criminal law:

en civil and criminal
he Digest of criminal
textbooks on criminal
century was criminal
ncerned with criminal

law is that between
law of 1877 was abandoned,
law even print simply Sikes.
law, but a draft prepared by
law. An old chestnut that

customary law:

, Roman and customary
omologated) customary

law. Philippe Antoine, court
law prevailed, while in the

Dutch law:

elements of Old Dutch
Roman or Roman-Dutch

law. The code was more
law was more important.

English law:

question, 'Can English
 19th century, English
 meaningless for English
 law (at least English
 the areas of English
 of History of English
 great names of English
 principles of English
 structure of English
 this trait of English
 unknown, since English

law be taught at the
 law was old and out of date,
 law, which is characterized
 law) began late, at Oxford,
 law least accessible to the
 law before the time of Edward
 law are not those of scholars
 law are still to be found in
 law had been preserved, but
 law in the caustic remark
 law is not codified.

family law:

individualism: its family
 in the areas of family

law is patriarchal (the
 law, matrimonial regimes and

foreign law:

something about foreign
 nation. Where foreign

law. The client may be sued
 law firms are permitted to

French law:

encyclopedia of French
 very problematic: French
 same subject to French

law ancient and modern, whose
 law had established itself
 law and to the Napoleonic

Germanic law:

not Germanic or German
 in medieval Germanic
 regarded old Germanic

law. In the nationalistic
 law was carried out, which is
 law as the only possible

international law:

theory and international
 has most international
 forms of international
 public international
 in the international
 toward international

law. the following deserve
 law practice is not very
 law (1898). But there were
 law. The two frequently
 law department of a large
 law norms should be.

labour law:

solely to the labour

laws of the host nation? Is

natural law:

order such as natural
 law, case law, natural
 the School of Natural
 managed to rule natural
 very resource to natural

law had been disposed of
 law had only secondary
 Law. German influence also
 law out of order, and only a
 law or 'general principles of

old law:

and, the notion of 'old
 deserved, and the 'old
 with the aid of the old
 laws for which the old

law' is quite meaningless for
 law' as such was never
 law. He published a
 law had been criticized.

Roman law:

Recht) that is, Roman

law as applied in Germany).

nt) on Roman and canon	law. In 1970, wills went to
Scots law: lish as well as Scots	law. Two such important of
United Kingdom law: that United Kingdom	law conforms to the
United States law: s under United States	law and "Article 85-86" im
substantive law: change in substantive val law. Substantive tudent of substantive	law. The Common Law had law lays down people's rights law most needs to know
traditional law: implanted traditional th of the traditional	law firm ties based (in part) law. In the first instance,

(ii) Pattern 2: Collocated with another head noun, with 'law' functioning as a classifier.

law + noun

law commission: l the creation of the	Law Commission to the
law department: shes to have a branch in the international	law department in its foreign law department of a large
law faculty: ecently there were no ent regime, and their	law faculties and even law faculties in particular,
law firm: of the 'multinational e obstacles, and some rs with large private he EC in establishing ation. Where foreign ations, multinational the nation. But many this book. American merican multinational	law firm" has clearly arrived law firm ties based (in part) law firms also work law firms and providing legal law firms are permitted to law firms have encountered law firms have established law firms have often followed law firms will over time
law lords: h Court. Whereas the ts exclusively of the erminology it is the " professional lawyers (Law Lords are truly Lords, Law Lords, it nevertheless Law Lords" (the lord Law Lords). There was a
law school: gratulated the Oxford as to found practical	law school for having the law schools, and they did in

law society: or the schools of the	Law Society. Talented young
---------------------------------------	-----------------------------

law student: e to go beyond what a nnounce themselves as	law student may imagine the law students. The addresses
--	--

(iii) Pattern 3: Collocated with preposition:
noun + of + law

concept of law: op his own concept of sitivistic concept of	law. His evolution can be law, but also at some of the
---	---

matter of law: 165). the matter of nsists of matters of	law raised here, is, whether law and not matters of fact
---	---

point of law: be stated on a point of of law, for any point of r, objecting in point of an objection in point of an objection in point of an objection in point of an objection in point of	law for the decision of a law may be taken from law. The defence may also law was called a demurer law, whether the objection law, for any point of law may law. This again admits
--	--

practice of law: ce on the practice of rms. The practice of	law. Since no single code law in England today is of
---	---

principle of law: general principles of general principle of	law'. Demolombe asserted law or equity'. According to
--	--

question of law: present a question of , where a question of	law for the determination of law is raised on the face of
--	--

rule of law: recover. The rule of	law is laid down with perfect
--------------------------------------	-------------------------------

source of law: e custom as source of is the main source of as the sole source of iversity of sources of the other sources of	law that they would not even law, closely followed by law (and all reference to a law governing international law -- custom, scholarship,
---	---

In particular, “an objection in point of law” should be nominated as a legal term.

(4) rule

The word rule occurs in 39 lines in the textbooks. The characteristic phrasal pattern of rule is as follows:

(i) Pattern 1: Collocated with *adjective*:

adjective +	rule
French rule:	
time was under French	rule, and in 1808 published
legal rule:	
d international legal	rules which govern those
f international legal	rules. In other cases, where
f international legal	rules is understood to be a
procal legal practice	rules encountered by New York
substantive rule:	
stems and substantive	rules. The successful sy
rt? What substantive	rules will apply? Perhaps

(ii) Pattern 2: Collocated with article and preposition:
the + rule + of + noun

the rule of law:	
cation. The	rules and principles of English law
ecover. The	rule of law is laid down with perfect

the rule of procedure:	
followed the	rules of ordinary procedure. Debtor's
o codify the	rules of procedure, by means of the

the rule of trade:	
ation of the	rules of international trade and the

the rule of the (proper noun):	
violate the	rules of the GATT, working panels

(iii) Pattern 3: Collocated with article and preposition:
the + rule + in /the rule of

the	rule in the (noun)
mbers to the	rules in the General Agreement and
, like the	rule in the United States. Cost
rejecting the	rule of law

Secondly, I investigated whether or not the meanings of the legal phrasal words: *civil law*, *common law*, and *the rule of law* are explained in the following Law Dictionaries.

A Dictionary of Law (1994) Elizabeth, A. Martin, MA (Oxon) (ed.). Oxford: Oxford University Press.
(A.D.L. indicates "A Dictionary of Law")
English Law Dictionary (1986) P. H. Collin (ed.). Middlesex: Peter Collin Publishing. (E.L.D.)
Mozley & Whiteley's Law Dictionary (1995, 11th ed.) E. R. Hardy Ivamy (ed.) London: Butterworths (M.W.L.D.)
Osborn's Concise Law Dictionary (1993, 8th ed.) Leslie Rutherford & Sheila Bone (eds.) London: Sweet & Maxwell. (O.C.L.D.)

For example, (E.L.D.:44) indicates that the definition given is from page 44 in the English Law Dictionary.

civil law:

This phrase is differently described in each dictionary as follows:

(A.L.D.:66)

1. The law of any particular state, now usually called municipal law.
2. Roman law.
3. A legal system based on Roman law, as distinct from the English system of common law.
4. Private law, as opposed to criminal law, administrative law, military law, and ecclesiastical law.

(E.L.D.:44)

laws relating to people's rights and agreements between individuals as opposed to criminal law)

(M.W.L.D.:47)

Civil Law is defined in Justinian's Institutes as 'that law which every peoples has established for itself'; in other words, the law of any given State. But this law is now distinguished by the term *municipal law*, the term *civil law* being applied to the Roman civil law.

(O.C.L.D.:70)

Roman law; the *Corpus Juris Civilis*.

The descriptions of *civil law* are very different in each dictionary.

common law:

(A.D.L.:75)

The part of English law based on rules developed by the royal courts during the first degree centuries after the Norman Conquest (1066) as a system applicable to local customs... ae L* (E.L.D.:50)

(a) law as laid down in decisions of courts, rather than by statute

(b) general system of laws which formerly were the only laws existing in England, and which in some cases have been superseded by statute

(M.W.L.D.:52)

The ancient unwritten law of the kingdom, 1 *Bl.*

The term "Common Law" is used in various sense:

1. Of the ancient law above mentioned embodied in judicial decisions as opposed to statute law, ie the law enacted by Parliament.
2. Of the original and proper law of England, formerly administered in the common Law Courts, ie. the superior of Westminster, and the Nisi Prius Courts, as opposed to the system called Equity, which was administered in the court of Chancery. Since the Judicature Act 1873 all courts administer law and equity concurrently (see now the Supreme Court Act 1981,s49).
3. Of the municipal law of England as opposed to the Roman Civil Law, or other foreign law.

(O.C.L.D.:77)

The part of the law of England formulated, developed and administered by the old common law courts, based originally on the common customs of the country, and unwritten. It is opposed to equity (the body of rules administered by the court of Chancery); to statute law (the law laid down in Acts of Parliament); to special law (the law administered in special courts such as ecclesiastical law, and the law merchant); and to the civil law (the law of Rome). It is "the common sense of community, crystallised and formulated by pure forefathers." It is not local law, nor the result of legislation.

It is apparent that every dictionary explains the phrasal words *common law*. In particular, Japanese law students must know the appropriate use of these dictionaries

because the legal dictionaries are not always targeted for foreign language learners. One of the important roles of the language teacher in Japan is to introduce law dictionaries to students. As has been shown from 189-191, Mozley & Whiteley's Law Dictionary is the most suitable for Japanese law students since the description of each legal term is neat, brief, and understandable, and many examples of legal phrases are also included. For Japanese law students, bilingual law dictionaries (written in both languages giving equivalencies of terms where possible) are also essential, but unfortunately, I could not find any suitable bilingual dictionaries among these already published since none include example of the use of legal terms. In addition to clear definitions, examples of use are very important for students. Existing law dictionaries do not provide much grammatical information. A good legal dictionary for Japanese students would also include grammatical information. As has been repeated in Section 1.1, Japanese legal system is basically based on *civil law*, not on *common law*. Hence, the terms of *common law* should be more carefully and thoroughly explained than others.

At a glance, the term of *common law* is not difficult to understand; however, we teachers must encourage students to be aware of reading the whole context for fear students should misunderstand its significant legal meaning.

the rule of law:

(A.L.D.:355)

1. The supremacy of law.

2. a feature attributed to the UK constitution by Professor Dicey (*Law of the Constitution*, 1885). It embodied three concepts; the absolute predominance of regular laws, so that the government has no arbitrary authority over the citizen; the equal subjection of all (including officials) to the ordinary law administered by the ordinary courts; and the fact that the citizen's personal freedoms are formulated and protected by the ordinary law rather than by abstract constitutional declarations.

(E.L.D.:248)

principle of government that all persons and bodies and the government itself are equal before and answerable to the law and that no person shall be punished without trial decision made by a court.

(M.W.L.D.:244)

The doctrine that all men are equal before the law, and the acts of officials in carrying out government orders are cognisable in the ordinary courts of law.

(O.C.L.D.:295)

The doctrine of English law expounded by Dicey, in *Law of the Constitution*, that all men are equal before law, whether they be officials or not (except the Queen), so that acts of officials in carrying out the behests of the executive government are cognisable by the ordinary courts and judged by the ordinary law, as including any special powers, privileges or exemptions attributed to the Crown by prerogative or statute.

Although the term "*the rule of law*" is given as "*rule of law*" in each dictionary, the explanations are almost same.

These four words: **civil**, **common**, **law** and **rule**, were taken from the entrance examination of Law School in Keio University in 1993 (see Section 5.1), but, of course, other significant legal phrases might be extracted from other year's examinations, and are likely to present special problems in reading law.

Hence, I conducted further investigation of typical legal phraseology from the corpus of 4 types of legal textbooks and present the findings as follows:

(5) amendment

The word **amendment** occurs in 5 lines, and the collocated pattern is as follows:

i. collocated with verb *allow*:

allow amendment:

will not *allow* amendment wherever this occasions power to *allow* amendment diminishes the importance wer to *allow an* amendment of the pleadings, and

ii. collocated with phrasal verb *ask for*:

ask for amendment:

not *ask for an* **amendment** judgment will be given on l to *ask for an* **amendment**. This regrettable

(6) appeal

The word **appeal** is collocated with verb *lie* as follows:

appeal *lies*:

tices; again an **appeal** *lies* to the Court of Appeal
ppeal a further **appeal** *lies* (in important cases,
urt), a further **appeal** *lies* (with leave to the
Wales. But no **appeal** *lies* form Scottish courts to
to employment. **Appeals** *lies* from the latter on the

(7) appellate

The word **appellate** occurs in 8 lines, and the pattern is collocated with noun *court* and *jurisdiction*:

appellate court:

the appropriate **appellate** court is the court of
s enough if the **appellate** court is sufficiently

appellate jurisdiction:

when exercising **appellate** jurisdiction, though
exercising its **appellate** jurisdiction, the house
nts also of its **appellate** jurisdiction form the
e abolished the **appellate** jurisdiction of the house
ystem). By the **Appellate** Jurisdiction Act 1876 the

(8) breach

The word **breach** occurs in 7 lines, and *a (the) breach of contract* is the collocational pattern.

breach of contract:

onvention and a **breach** of contract with me to keep
pendants, and a **breach** of his contract with the
ort and for the **breach** of contract. (Of course,
ed. One is the **breach** of contract. This is easy

(9) confession

The word **confession** occurs in 4 lines. *Confession and avoidance* is the only collocational pattern.

confession and avoidance:

relsome. (2) A **confession** and avoidance, that is d
a traverse or a **confession** and avoidance, this was
m, as a plea in **confession** and avoidance. It

(10) consequence

The word **consequence** occurs in 7 lines. **Consequence** is collocated with verb *avoid* and nominal group *defendant's negligence* as follows:

avoid the **consequence** of the defendant's negligence:
avoided the **consequence** of the defendants' negligence
avoided the **consequence** of the defendant's negligence
avoided the **consequence** of the defendants negligence

In addition, the following example has *default* instead of *negligence*:

avoid the **consequence** of the defendant's default:
avoiding the **consequence** of the defendants' default.

(11) guilty

The word **guilty** occurs in 5 lines, and is collocated (i) with 'of negligence' and (ii) with 'the plea amounts to not guilty'.

i. **guilty** of negligence:

nce he was) was **guilty** of negligence, and the
e plaintiff was **guilty** of negligence, and also that
f was were also **guilty** of negligence. But, further

ii. the plea amounts to not **guilty**:

that the plea amounts to not **guilty**; that it is
that the plea amounts to not **guilty**. The

(12) improper (improperly)

The word **improper** occurs in 4 lines. Whereas the word **improper** is collocated with noun *negligence*, the word **improperly** is always collocated with adverb *negligently* from the corpus as follows:

negligence and **improper**:
negligence, and **improper** conduct of the said

negligently and **improperly**:
negligently, and **improperly** behaved and conducted
negligently, and **improperly** behaved and conducted
negligently and **improperly**, that in part by their

(13) investment

The word **investment** occurs in 30 lines in a corpus. The characteristic phrasal pattern is as follows:

i. *trade and investment*:

their foreign *trade and investment* activities are
o an actor in *trade and investment* in a different
international *trade and investment*. Thus the role
international *trade and investment*. They have
international *trade and investment*. As actors they
international *trade and investment*. There is
international *trade and investment*. Under the
with mutual *trade and investment* interests. The
d policies of *trade and investment*. A different
y problems of *trade and investment*, it has achieved
e long wanted *trade and investment* with market
within which *trade and investment* transpires.

ii. *international trade and investment*:

international *trade and investment*. Thus the role
international *trade and investment*. They have
international *trade and investment*. As actors they
international *trade and investment*. There is
international *trade and investment*. Under the

iii. *equity investment*:

t investment, an *equity investment* in the united
establish major *equity investment*. Difficulties

iv. *foreign investment*:

their *foreign trade and investment* activities are
al property and *foreign investment*. A third part
es of trade and *foreign investment*. There are
ictive rules on *foreign investment*, which have
When trading or *foreign investment* is with
attitude toward *foreign investment* over the next is

(14) jury

The typical phrasal patterns of **jury** are as follows:

i. *judge and jury*:

peches before *judge and jury*; they are dry
s, triable by *judge and jury* (formerly called a

ii. *grand jury*:

bill" found by a "*grand jury*," i.e. a jury for
y. "Nowadays the *grand jury* is abolished, but we

iii. *direct the jury*:

Bayley J. *directed the jury* that if a person
he trial and *directs the jury*; but it may also be

(15) **mention**

The word **mention** occurs in 14 lines in the whole textbooks. The characteristic phrasal patterns are as follows:

i. in the declaration **mentioned**:

&c. in the declaration **mentioned**; Verdification.

&c. in the declaration **mentioned**, the said train

ii. the following deserve **mention**:

law. The following deserve **mention**: John Austin (d.

The following names deserve **mention**: Fr Geny (d.1959)

iii. the said last-**mentioned**:

defendant the said last-**mentioned** sum of money,

ns whereof the said last-**mentioned** train was

(16) **obstruction**

The word **obstruction** is typically collocated verb *see*, or *see and avoid* as follows:

i. *see the obstruction*:

he must have seen the **obstruction**; so that the

ii. *seen and avoid obstruction*:

e *seen and avoided the obstruction*; and if they

e *seen and avoided the obstruction*. [Principle

(17) **ordinary**

The word **ordinary** occurs in 16 lines from a corpus. The typical phrasal pattern is as follows:

i. **ordinary care**:

ing with reasonable and **ordinary care** could have

se with another's using **ordinary care** for himself.

ght, by the exercise of **ordinary care**, have avoided

uch as that he could by **ordinary care** have avoided

tled- to recover; if by **ordinary care** he might

Derby. If he had used **ordinary care** he must have

e as to the exercise of **ordinary care** is

gence, but also that by **ordinary care** they could

remely bad, and without **ordinary care**, they should

fendant, and no want of **ordinary care** to avoid it

at violence and want of **ordinary care**, without

ii. *the Lords of Appeal in Ordinary*:

the Lords of Appeal in Ordinary, and peers who the

the Lords of Appeal in Ordinary do so only in

the Lords of Appeal in Ordinary (like Lord

(18) **reside**

The word **reside** is collocated with *distinction* in the corpus as follows:

distinction **resides**:

The true distinction **resides**, therefore, not in the
he distinction does not **reside** in the nature of train

(19) **right**

The word **right** is used with *of action* or *of disobedience* as follows:

the right of action:

ion in tort and the right of action in contract are

hat, this time, the right of action in tort and the the right of disobedience:

r discussion'. The right of disobedience also

(20) **state**

The word **state** occurs in 20 lines. The characteristic phrasal pattern is collocated
with noun *ownership* and phrasal nouns *trading organizations* as follows:

state ownership:

g with theories of **state** or worker ownership of the
of all productions **state ownership** of the means
ies has diminished **state ownership**. The extent to

state trading organizations:

nt direction. Are **state trading organizations** in

y have been called **State Trading Organizations**

it also deals with **state trading organizations**. to

utonomy granted to **state trading organizations** to

KET ECONOMICS AND STATE TRADING ORGANIZATIONS.

Lastly, the targeted 48 words, which were surveyed on whether *general use* or
legal use in Section 5.2.1., could be also investigated its collocational patterns. For
example, the word **action** is characterised as follows:

(21) **action**

The word **action** occurs in 24 lines in the textbooks. The characteristic phrasal
pattern of **action** is as follows:

(i) **Pattern I. verb + an (the) action:**

bring an action:

me, I may *bring an action*. Bayley J. The
es (e.g. *brings an action* against) a defendant.

commence an action:

hich *commences the action*, and they are exchanged a

maintain an action:

cannot *maintain an action* if it appear that he The

support an action:

ur to *support this action*, an obstruction in the

(ii) Pattern II: *the + noun + of + action*:

the cause of action:

sclose *no cause of action*, "True, I gave you
has two *causes of action*; he will get only ice

the forms of action:

The old *forms of action* were abolished, and
ished *the forms of action*, it therefore overturned

the right of action:

t and *the right of action* in contract are vested
time, *the right of action* in tort and the right a

(iii) Pattern III: *adjective + action*:

civil action:

trime, and a *civil action* for the tort and for

criminal action:

other. "*Criminal action*," for example, is a

In conclusion, I strongly believe that the analysis of legal phraseology of this type could be helpful for students studying legal English in Japan. In particular, with the assistance of concordance analysis, teachers can understand the types of legal phraseology, and teach them appropriately and precisely to law students. The important point in academic legal English teaching is to help students to understand legal words in a typical context. In addition, the 48 words that were discussed in Section 5.2.1. might be more readily distinguished if the study of legal phraseology were applied in this way. Neither Mellinkoff (1963) or Hayakawa (1992) discuss the actual use of legal terms or investigate their occurrence or collocations.

(2) *Glossary of Legal Phrases*

In this section, I present the finding of a search for standard phrases or common collocations in the legal textbooks. These phrases are in common use. In each case given here more than five instances of the phrase was found, and in some case, many more. One example of each is given the list below. Most phrases have a clear legal or sub-legal (for example, **business**) use, but a few have a more general application. I have included the latter since they may be of use of to teachers. An example is *extensive activities*. I have not included general idiomatic phrases like *in favour of* since these are found in dictionaries of idioms. The phrases are listed here under the headings of key words in alphabetic order.

(1) act:**Judicature Act:**

"4 The *Judicature Act* 1873, which was passed

(2) action:**bring/maintain/support/ an action:**

me, I may *bring an action*. Bayley J. The *maintain an action*:

cannot *maintain an action* if it appear that he The *support an action*:

ur to *support this action*, an obstruction in the *the right of action*:

other. "*Criminal action*," for example, is a

(3) activity:**extensive activity:**

to have more *extensive activities* in Canada and *trade and investment activity*:

n *trade and investment activities* in the nation.

(4) agreement:

the General Agreement on Tariffs and Trade; trade agreement

or example *the General Agreement on Tariffs and Trade* :

eks multilateral *trade agreements* and the

(5) amendment**allow/ask for an amendment:**

will not *allow amendment* wherever this occasions

ask for amendment:

(6) article:**the articles of:**

stitute for *the articles of* incorporation and laws

(7) appeal**the court of Appeal:**

nd *the Court of Appeal* on its civil side, would be *the Lords of Appeal*:

r, *the Lords of Appeal* in Ordinary, and peers

(8) appellate**appellate court:**

the appropriate *appellate court* is the court of *appellate jurisdiction*:

when exercising *appellate jurisdiction*, though

(9) ask:**ask for an amendment:**

counsel does not *ask for an amendment* judgment will

(10) association:**free trade association:**

rican *Free Trade Association*; which Mexico is very

(11) avoid:

see and avoid the obstruction:

d have *seen and avoided* the obstruction; and if

(12) **breach**

breach of contract:

onvention and *a breach of contract* with me to keep

(13) **business**:

international business transaction:

n *international business* transaction. Although the

(14) **care**:

ordinary care:

le and *ordinary care* could have seen avoided a

he exercise of ordinary care:

by *the exercise of ordinary care*, have avoided the

under the care and management of:

ts, but *under the care and management of* other

(15) **case**:

civil case:

leviation, a *civil case* relies. They come after

(16) *the Chancery Division*:

sion, *the Chancery Division*, and the Family

(17) **charge**:

a count or charge of theft:

peak of *a count or charge of theft*. One is charged

(18) **circuit**:

circuit judge:

presided over by a *circuit judge* or recorder, who

(19) **civil**:

civil action

on for the crime, and a *civil action* for the tort

civil case

y way of alleviation, a *civil case* may go on appeal

civil code

troduction of the new *civil code* as a whole has

civil and criminal court

in criminal contexts. *Civil and criminal courts*

civil division

in the Court of Appeal (*Civil Division*), consisting

civil evidence

and so are criminal and *civil evidence*. The part

civil judicature:

' courts, the system of **civil judicature** explained

civil jurisdiction:

he courts with original **civil jurisdiction** are

civil law:

nstance. Reform of the **civil law** also began, but

civil procedure

evidence. Criminal and **civil procedure** are **civil proceeding**

The King (which was a **civil proceeding** against **civil relief**

are also other minds of **civil relief**, but they need *droit civil*

s elementare de *droit civil* (1878). The

(20) code:

civil code:

r to work out a **civil code**: In the Netherlands ;

the French code:

March 1811 **the French codes**, including the code o

the Napoleonic code:

elgium **the Napoleonic codes** were maintained, and

a commentary on the Code civil:

a complete **commentary on the Code civil** (Cours de

(21) commission:

Trade Commission:

States Federal **Trade Commission** need to be

(22) common

common law:

al Foundations of the **Common Law** (2nd ed.) is the **common market:**

d a half. The Andean **Common Market** (ANCOM) enacted

common plea:

rts of Queen's Bench, **Common Pleas**, Exchequer,

common serjeant:

the Recorder and the **Common Serjeant** of the City

(23) community:

European Community:

rica and the **European Community** on agricultural

(24) concept:

a concept of law:

im to develop his own **concept of law**. His

(25) conduct:

for the conduct of:

(31) Criminal**criminal law**the digest of **criminal law** of 1870 was abandoned**criminal case:**thus a *criminal case* is generally called Reg. v. (17) **chancery:****(32) crown:****Crown Court:**tirely distinct. The **Crown Court** has almost**(33) damage:***injury and damage:*m personal *injury and damage* to his property.**(34) defendant:***the defendant's negligence:**avoided the consequences of the defendants' negligence***(35) demand:***above demanded:*id sum of money *above demanded*, or any part of**(36) department:***law department:*to have a branch *law department* in its foreign o **(39) developing:****(37) developing nations:**of the demands of the **developing nations**, for**(38) development:***trade and development:*nference on *Trade and Development* (UNCTAD) promotes**(39) distribution:***the means of production and distribution:**of the means of production and distribution in***(40) division:***the Queen's Bench Division:*of *the Queen's Bench Division*; and a further Wdd*the Family Division:*cases in *the Family Division* the parties are**(41) divisional:***a Divisional Court:*igh Court to from *a Divisional Court*), further**(42) economic:***international economic institution:*t and *international economic institutions*. Many

economic community:

, custom unions, or **economic communities**, have not
economic integration:

on the attempts at **economic integration**. They

(43) economy:

market/nonmarket economy:

l to most **nonmarket economy** nations and establish

(44) enterprise:

multinational enterprise:

ty in **multinational enterprises**. The Mexican

(45) evidence:

is given in evidence under:

a might *be given in evidence under* the plea of not

(46) exegesis:

the School of Exegesis:

ainst *the School of Exegesis*. They were familiar

(47) family:

the Family Division:

sion, and *the Family Division*. The first

(48) fault:

by the fault of:

as been made *by the fault of* another, and avail

(49) favour:

most favoured nation treatment:

the important most favoured nation treatment, to

(50) final:

the final court of appeal:

policeman, and *the final court of appeal* from what

(51) firm:

law firm:

in establishing **law firms** and providing legal

(52) general:

the General Agreement:

to the rules in *the General Agreement* and in other

general principle:

to natural law or '**general principles of law**'.

(53) grading:

the major grading nations:

ues among *the major grading nations*, the

(54) **guilty**

guilty of negligence:

nce he was) was **guilty of negligence**, and the
the plea amounts to not guilty:

that *the plea amounts to not guilty*; that it is

(55) **high:**

the High Court:

eal direct from *the High Court* to the House of

(56) **house:**

the House of Lords:

jurisdiction of *the House of Lords* should be

(57) **human:**

European Convention of Human Rights:

European Convention of Human Rights. If the

(58) **improper (improperly)**

improper conduct:

negligence, and **improper conduct** of the said

(59) **indictable:**

indictable offence:

in the class of **indictable offences**, can be tried

(60) **indictment:**

trials on indictment:

as in *trials on indictment* there is no appeal from

(61) **integration:**

economic integration:

eas of **economic integration** or dispute over tai

(62) **investment**

trade and investment:

their foreign *trade and investment* activities are

international trade and investment:

international trade and investment. Thus the role

equity investment:

t investment, an **equity investment** in the united

(63) **joint:**

joint venture:

y allow a 50-50 **joint venture** or even majority

(64) **judge:**

circuit judge:

ed by a **circuit judge**, some by High Court Judges.

High Court Judge:

re a *High Court Judge*. Appeal from the Crown Court

(65) **judgment:**

judgment for the defendant:

B, concurred. **Judgment for the defendant**, Bridge **judgment for the plaintiff:**

B., concurred. **Judgment for the plaintiff.** (a)

(66) **judicature:**

the Judicature Act:

and in fact *the Judicature Act* 1873 provided for *the Supreme Court of Judicature:*

of *the Supreme Court of Judicature*, even though

(67) **jurisdiction:**

appellate jurisdiction:

ising *appellate jurisdiction*, though certain

in the jurisdiction of

within the jurisdiction of the high court

(68) **jury**

judge and jury:

peches before *judge and jury*; they are dry

grand jury:

bill" found by a "*grand jury*," i.e. a jury for

direct the jury:

Bayley J. *directed the jury* that if a person

(69) **justice:**

the Lords Justice:

the Rolls and *the Lords Justice* of Appeal. The

(70) **law**

ancient law:

ine (d.1888), *Ancient law* (1861); F.W.Maitland

case law:

, regulatory and *case law* it is now possible for EC

civil law:

he company in a *civil law* setting. Thus some

commercial law:

civil and *commercial law* were codified. Until the

common law:

hotomy between Common Law and statute was

Community law:

is European *Community law* facilitating a European

company law:

to be seen in *company law*, trade marks and other

corporation law:

adopted, *corporation laws* and share ownership will *criminal law*:

en civil and *criminal law* is that between

customary law:

, Roman and *customary law*. Philippe Antoine, court *discrimination law*:

i-sex *discrimination laws* of the United States?

domestic law:

n adopted as *domestic law* of some nations. They

employment law:

of aliens, *employment law*, social security, custom

family law:

vidualism: its *family law* is patriarchal (the *foreign law*:

omething about *foreign law*. The client may be sued

intermediate law:

pment of *intermediate law*, and acted as Napoleon's

international law:

phy and *international law*. the following deserve

international business law:

international business law, while others only

international trade law:

f *international trade law*, probably more important

multinational/national law:

ations, *multinational law* firms have encountered

own codified *national law*. In April 1814, even

natural law:

order such as *natural law* had been disposed of

old law:

e, the notion of '*old law*' is quite meaningless for *private law*:

NATION + law:

American law:

this book. *American law* firms have often followed

English law:

uestion, 'Can *English law* be taught at the

French law:

ncyclopedia of *French law* ancient and modern, whose *Germanic law*:

nt *Germanic* or *German law*. In the nationalistic

Old Dutch law:

elements of *Old Dutch law*. The code was more

Roman law:

Recht) that is, *Roman law* as applied in Germany).

Scots law:

lish as well as *Scots law*. Two such important of

United Kingdom law:

that *United Kingdom law* conforms to the

United States law:

s under *United States law* and "Article 85-86" im

law commission:

l the creation of the *Law Commission* to the

law department:

shes to have a branch *law department* in its foreign *law faculty*:

ecently there were no *law faculties* and even

law firm:

of the 'multinational *law firm*' has clearly arrived

law lords:

h Court. Whereas the *Law Lords* are truly Lords,

law practice:

es most international *law practice* is not

law school:

gratulated the Oxford *law school* for having the

law society:

or the schools of the *Law Society*. Talented young

law student:

e to go beyond what a *law student* may imagine the *concept of law:*

op his own *concept of law*. His evolution can be

to the ideal *image of law*, for they fused

matter of law:

165). the *matter of law* raised here, is, whether

point of law:

be stated on a *point of law* for the decision of a

practice of law:

ce on the *practice of law*. Since no single code

the principle of law:

the general principles of law'. Demolombe asse

rule of law:

recover. *The rule of law* is laid down with perfect

source of law:

e custom as *source of law* that they would not even

(71) *lawyer:*

the work of academic lawyer:

the work of academic lawyers rather than judges

international business lawyer:

international business lawyer? We certainly apply

(72) *legal:*

legal practice:

cilitating a European *legal practice* by EC

legal service:

aw firms and providing *legal services*. But as yet o

legal system:

nd Cross, the *English Legal System*, 6th ed., and 5t

international legal rule:

nal and *international legal rules* which govern

(73) *lord:*

the House of Lords:

that of *the House of Lords* when exercising

the Lords of Appeal in Ordinary:

by custom *the Lords of Appeal in Ordinary*, and

(74) *magistrate:*

a charge before magistrates:

on of *a charge before magistrates*.) We also *appeals from magistrates:*

ways." *Appeals from magistrates'* courts if

(75) *management:*

under the care and management of:

ut *under the care and management of* other persons:

(76) *market:*

common market:

ntal American *Common Market* (CACM) initially

(77) *means:*

the means of production and distribution:

ownership of the means of production and distribution, in

(78) *mention:*

the following deserve mention:

w. *The following deserve mention:* John Austin (d.

the said last-mentioned:

defendant *the said last-mentioned* sum of money,

(79) **negligence:**

the defendant's negligence:

cuses *the defendants' negligence*. [Parke, b. u

guilty of negligence:

s were also *guilty of negligence*. But, further

(80) **nonmarket:**

nonmarket economy:

re characteristics of **nonmarket economy** nations

(81) **nontariff:**

nontariff barrier:

ng the elimination of **nontariff barriers**. They are

(82) **obstruction**

avoid obstruction:

e *seen and avoided the obstruction*; and if they

(83) **offence:**

indictable offence:

he class of *indictable offence*, can be tried in

(84) **ordinary**

ordinary care:

ng with reasonable and **ordinary care** could have

the Lords of Appeal in Ordinary:

the Lords of Appeal in Ordinary, and peers who the

(85) **organization:**

international organization:

and also *international organizations rarely state trade organization:*

deals with *state trade organizations*, those

(86) **part:**

on the part of the plaintiff;

are to avoid it *on the part of the plaintiff*. Per (93) **participation:**

government participation:

with direct *government participation* in ownership (94) **payment:**

balance of payment:

were severe *balance of payments* dislocations.

(87) **peace:**

justice of the peace:

names "*justice of the peace*" and "magistrate" are

(88) **petty:**

petty jury:

ter sessions was by a "**petty jury**." Nowadays the

(89) **plaintiff:**

judgment for the plaintiff:

It in *judgment for the plaintiff*, and the judgment *on the part of the plaintiff*:

it *on the part of the plaintiff*. Per Curiam, Rule

(90) **point:**

point of law:

plead an objection *in point of law*, for any point

(91) **practice:**

international legal practice:

in *international legal practice* has to some degree

(92) **principle:**

general principles of law:

to conform to *general principles of law* or

(93) **procedure:**

civil procedure:

n 1877 a code of *civil procedure* that the student

(94) **proceedings:**

civil proceedings:

have followed by *civil proceedings*, that means that *criminal proceedings*:

at are called *criminal proceedings*, that means it s

(95) **procurement:**

government procurement:

ferent than *government procurement* offices in

(96) **production:**

the means of production and distribution:

ership of *the means of production and distribution*

(97) **queen:**

the Queen's Bench:

o three Divisions: *the Queen's Bench* Division, the

(98) **regime:**

the ancient regime:

ated under *the ancient regime* who devoted their

(99) **right**

the right of action:

ion in tort and *the right of action* in contract are *the right of disobedience*:

r discussion'. *The right of disobedience* also

(100) rule***French rule:***

time was under *French rule*, and in 1808 published

legal rule:

d international *legal rules* which govern those

procedural rule:

since the *procedural rules* were extremely

restrictive rule:

severely *restrictive rules* on foreign investment

substantive rule:

stems and *substantive rules*. The successful sy

the rule of law:

cation. *The rules and principles of English law*

the rules of procedure:

followed *the rules of ordinary procedure*. Debtor's

the rules of trade:

ation of *the rules of international trade* and the

(101) sale:***the contract of sale:*****(102) school:*****law school:***

to found practical *law schools*, and they did in

the School of Exegesis:

hip. Criticism of *the School of Exegesis* made

(103) sector:***private sector:***

lawyers in the *private sector*. But we should also

(104) service:***legal service:***

us, the costs of *legal services* should be discussed

(105) state***state ownership:***

g with theories of *state* or worker *ownership* of the

state trading organizations:

nt direction. Are *state trading organizations* in

(106) statute:***law and statute:***

esis were that *law and statute* was maintained. The

(107) substantive:

substantive law:

involved a change in substantive law. The common

(108) supreme:

the Supreme Court:

of Appeal make up the Supreme Court of Judicature.

(109) system:

the English Legal System:

oss, the English Legal System, 6th ed., and Walker

(110) tariff:

the General Agreement on Tariffs and Trade:

, the General Agreement on Tariffs and Trade (GATT)

(111) territory:

throughout (National) territory:

ied throughout German territory, scholarship was (126) theft:

a charge of theft:

dicted on a charge of theft, (or some other

(112) trade:

the General Agreement on Tariffs and Trade:

the General Agreement on Tariffs and Trade (GATT) international trade:

ects of international trade, and many more with trade and investment:

rules and policies of trade and investment. A

(113) trading:

state trading organization:

direction. Are state trading organizations in

(114) transaction:

international business transaction:

international business transaction will be apparent

(115) venture:

joint venture:

nts for foreign joint ventures or negotiating the

(116) wrong:

a civil wrong:

s regarded as a civil wrong. If it is capable of

In the next section, I summarise the findings from these analyses.

5.3: Conclusion

Mellinkoff (1963) and Hayakawa (1992) state the 48 words they identified are used with a legal meaning in a legal context (see Section 4.1). However, it can be seen that this is not always the case (from the present research). Even in a legal context, a word may be used with its general meaning. Hence, what is important is that readers must recognize the following points:

- (i) In reading legal texts, readers must be aware of the general and legal potential use of words. Readers must not assume a particular meaning without considering the immediate context of use.
- (ii) If readers (who already know the legal meaning in the special context) continue to read a text without consciousness, they may read the legal texts inaccurately because of mistaken guessing. The important thing in reading is that readers have to grasp accurate and appropriate interpretations from both the broader and immediate contexts.

We should note that there is not always a significant difference between structural patterns of words used in the legal or non-legal way. It is necessary for readers to recognize the uses of the words by understanding the whole context.

- (iii) Readers need to be aware of the common collocational patterns of lexis. A reader who can recognize legal phrases will be more likely to grasp the meaning.

From the comparison of the four vocabulary lists, the following was found:

- (i) The M. of E. list is not sufficient for reading legal textbooks at university level.
- (ii) Nation's list seems superior to the JACET list with respect to the needs of readers in the department of law, however, neither of them cover important legal terms.

The above three lists are useful if they are supplemented with lexis relating to the texts students need to read.

The analysis of collocates of legal terms shows the importance of phraseology since most of the terms appear with common collocates in stock phrases. In addition, it was noted that the meanings of the legal phrases; *civil law*, *common law* and *the rule of law* are often differently described in different law dictionaries. In particular, Japanese law students must be trained in using these dictionaries because the legal dictionaries are not always targeted for foreign language learners. Some of them do

not help the law students to learn legal phraseology. There is a case to be made for an English-Japanese glossary explaining legal phrases.

Both of the lists: a legal phraseology list and a legal terms list, will help students to study EALP by improving reading skills. These lists which are provided from the real textbooks on legal issues, are completely different from Mellinkoff's (1963) and Hayakawa's (1992) lists.

I discuss the application of these findings to English language teaching in the Department of Law in the final chapter (see Section 7.1).

In the next chapter, I report the findings from the questionnaires which were given to University students, English language teachers and Law teachers.

Chapter 6

The Questionnaire Analysis

This chapter reports on the results of a survey of attitudes towards English language courses in the Department of Law at Keio University, Japan.

Harris (1992, see Section 3.2.2) indicates that some linguistic analyses are not connected with English language teaching. He suggest that we should consider making a link between the legal text analysis such as that presented in Chapter 5 and pedagogical questions about the kinds of English language courses needed by law students. In order to establish current attitudes to English language courses in the Department of Law at Keio University, I decided to conduct a survey to find out the attitudes of students and teachers to present English language courses and to discover what changes they would welcome. Slightly different questionnaires were prepared for each of three groups:

- (1) 1st, 3rd and 4th year law students
- (2) English language teachers in a Department of Law
- (3) Law teachers.

Copies of the original questionnaires (which were written in Japanese for ease of administration) are presented in Appendices 6.4 - 6.7. The translation of the questions is in Appendices 6.1 - 6.3, as well as partially in this chapter.

In this chapter, I report on the main results of the questionnaires as they apply to the wider research in this thesis. Because of space constraints and the richness and complexity of the data, it is not possible to discuss all the survey data in full here. I have, therefore, selected what seem to be the more interesting or important findings for discussion in this chapter, and the complete data are presented in Appendices 6.1 - 6.3. As we shall see, the results confirm that there is quite a lot of dissatisfaction with the present courses (even sometimes among English teachers), that students have clear but varying ideas about what they like (that is to say, not all students have the same attitudes) and law teachers are specifically critical of English teaching.

The first section of this report describes the general purpose of each questionnaire, and states the method of analysis. In the second section, the selective analysis of the results is given and discussed in relation to English in a Department of Law in Japan. It will be seen that the view that changes are important is supported by

these findings. There is considerable dissatisfaction among students with the present courses (although not all students agree), some law teachers are highly critical of the present situation, and even English teachers (who are generally happier with the status quo than the other groups) indicate some interest in making changes.

6.1. General Survey of English Language Teaching in Japanese Universities

6.1.1. Students' View

(1) Objective

The questionnaires for students, consisting of fifty questions, were distributed to 213 Law students in Keio University in 1993. Of these students, 122 were in Year 1, 45 were in Year 3, and 46 were in Year 4. The questionnaire was given to students in class time and completion was compulsory. Hence, there was 100% return.

The objectives of this part of the survey were to gain some insights into students' views of their English language courses and to compare them with the teachers' responses (see Section 6.2).

We might expect students of different years to have different attitudes since 1st year students started studying a new curriculum in 1993 (see Section 1.4). The curriculum in 1993 was just a little different from that followed by 3rd and 4th year students. One significant difference is that now English language can be studied in all the years at university. In the old curriculum, however, students could only study English language during the 1st and 2nd years. This difference may account for some variations in response.

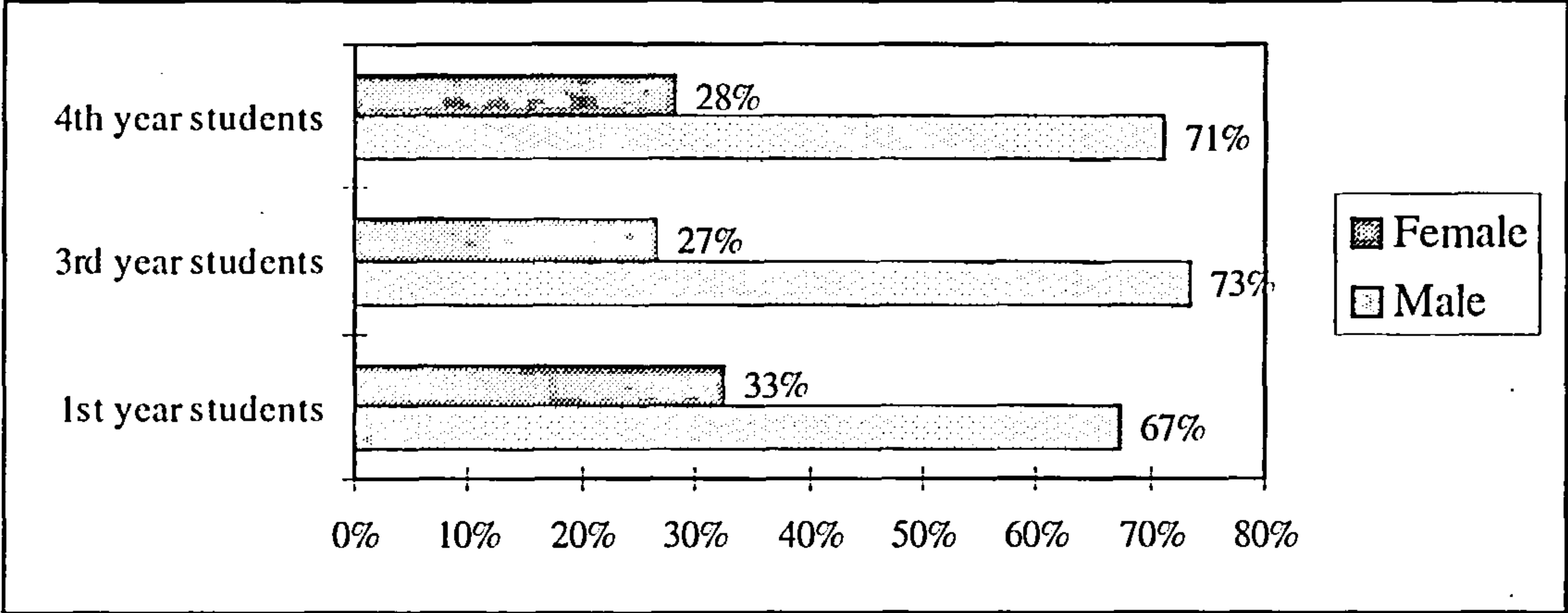
(2) Contents

Each section of this report contains the major findings made in the analysis of the data with discussion. Each section presents an analysis of significant data with tables and diagrams.

Regarding the display of the analysed data:

- (1) Where a respondent is required to answer only one question, a simple strip chart is used as follows:

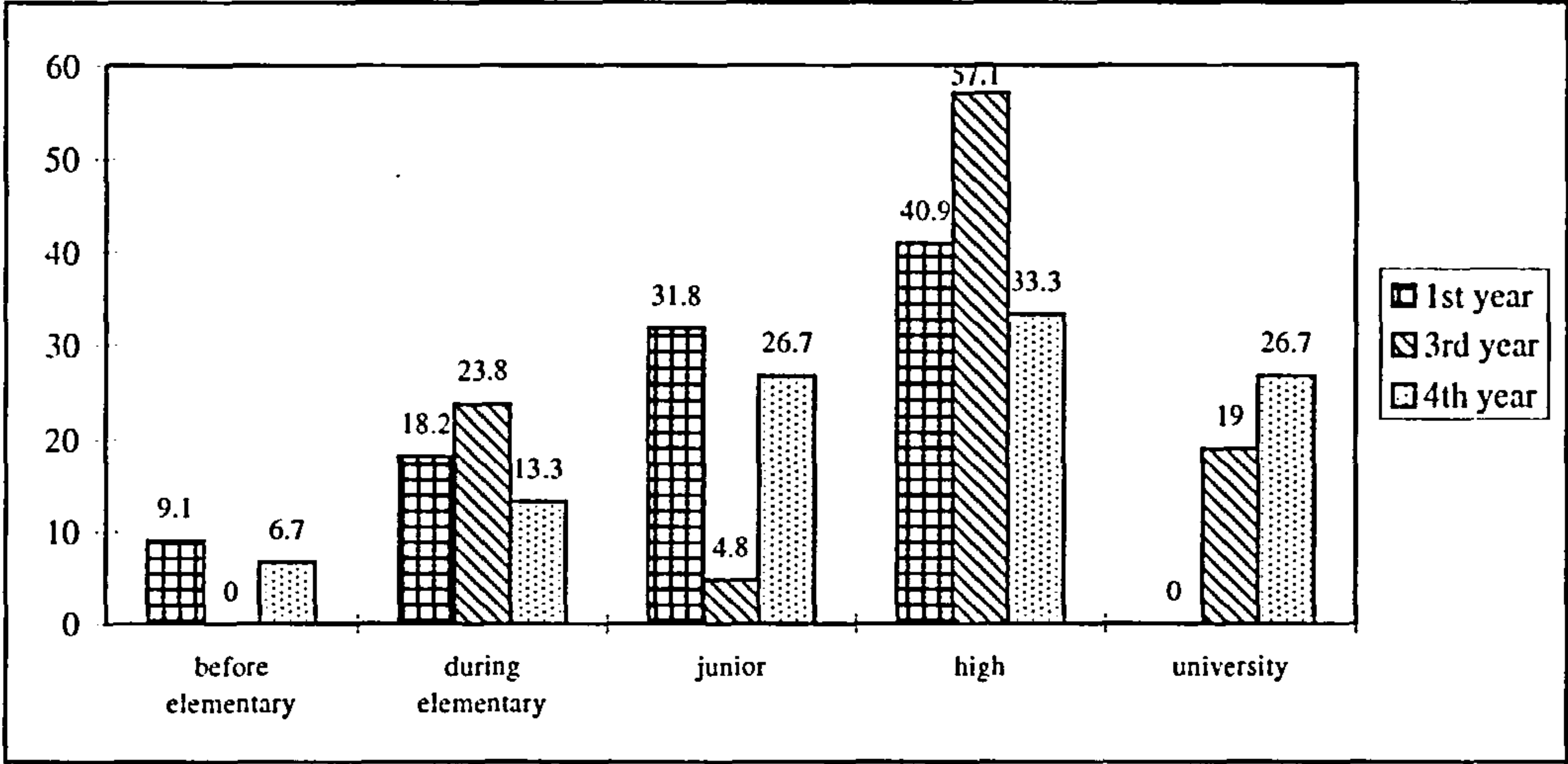
Figure 6.1: Sex
(SQ.1)



In Figure 6.1, SQ means Students' Question, similarly TQ indicates Teachers' Question and STQ means Students' and Teachers' Question. SQ.1 indicates Students' Question No.1.

- (2) Where a respondent is required to check more than one response to a question, a "bar" chart is used. Where the response is to a student question (SQ) three bars are given. They indicate (left to right) 1st year, 3rd year and 4th year students, as in Figure 6.2:

Figure 6.2: When did you finish your stay abroad?
(SQ.5)



Where the response is to a teacher's question (TQ) two bars are given. They indicate (left to right) English teachers and Law teachers (see, for example, Figure 6.5).

- (3) The rest of the analysed data is presented in a "table" chart as follows:

Each of the fourth sections focuses on English language for legal purposes. In particular, the questionnaire seeks to identify student's interests, materials, methodologies and skills for listening, speaking, reading and writing and how these might be concentrated on the legal issues. In addition the question is raised of how co-operative relations between English teachers and law students can be developed.

6.1.2. *Teacher's View*

(1) *Objective*

One objective of the teachers' questionnaires is to gain an insight into the background and education of the full-time English language teachers who work in the Departments of Law in Japanese universities (Total - 28: Keio University - 14, Meiji University -3, Nihon University - 3, Senshu University - 2, Toyo University - 3, Waseda University - 1). A similar questionnaire collected the responses of full-time teachers of legal subjects (Total - 18: Keio University - 15, Nagoya University - 2, and Senshu University - 1). Their responses are analysed in the same way as the English teachers'.

The other objectives are the same as those given for the student's questionnaire (Section 6.1.2).

(2) *Contents*

The questionnaires can be seen in the appendices: Appendix 6.6 for the English language teachers' version and Appendix 6.7 for the law teachers' version. Each questionnaire is divided into sections. The sections for English teachers are as follows:

English teachers' version

Section 1	Respondents' background
Section 2	General English teaching in the Dept. of Law
Section 3	Use of books on legal studies in English classes
Section 4	English language for law students (ESP)

This version has a total of 44 questions overall.

The **Law teachers' version** is divided into the same sections except that Section 3 is omitted. This version has a total of 43 questions.

The first section in each deals with respondents' sex, age, last school, overseas experience, and majoring areas. Each of the second sections deals with: classes, teaching methods, materials. This section also deals with general problems and future prospects: the students' attitudes toward learning English, why and how they should study English, the level attained in English, curriculum and courses, class-size, etc..

The third section focuses on English language teachers' views regarding books for studying foreign law. In order to discover the awareness of legal studies which English language teachers are supposed to have, a list of reference books for law studies is introduced. The following Question 28 was asked to English language teachers:

- (1) Have you ever looked at the book?
- (2) Have you ever used the book?

The fourth section, English language teaching for specific purposes, concerns special knowledge of legal subjects and co-operative relations between English and law.

6.2. The Results of the Questionnaires

This section will report on characteristic points from each item.

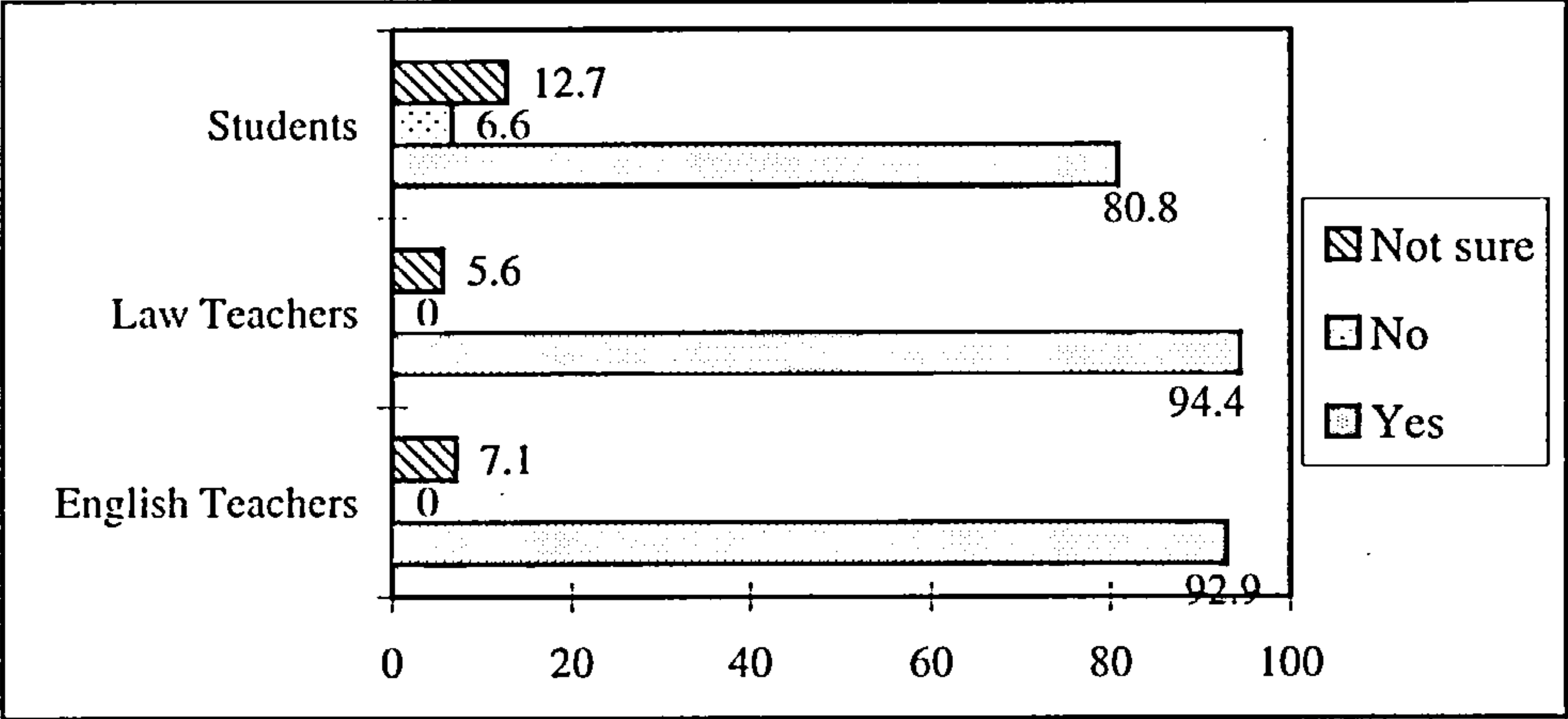
6.2.1. University English language teaching

(1) Objectives

There are similarities and differences in the stated objectives of English language teaching of students and teachers.

Regarding the necessity for English language teaching in the Department of Law, English teachers, Law teachers and students all agree on the importance of English language lessons (see Figure 6.3 (STQ.1)):

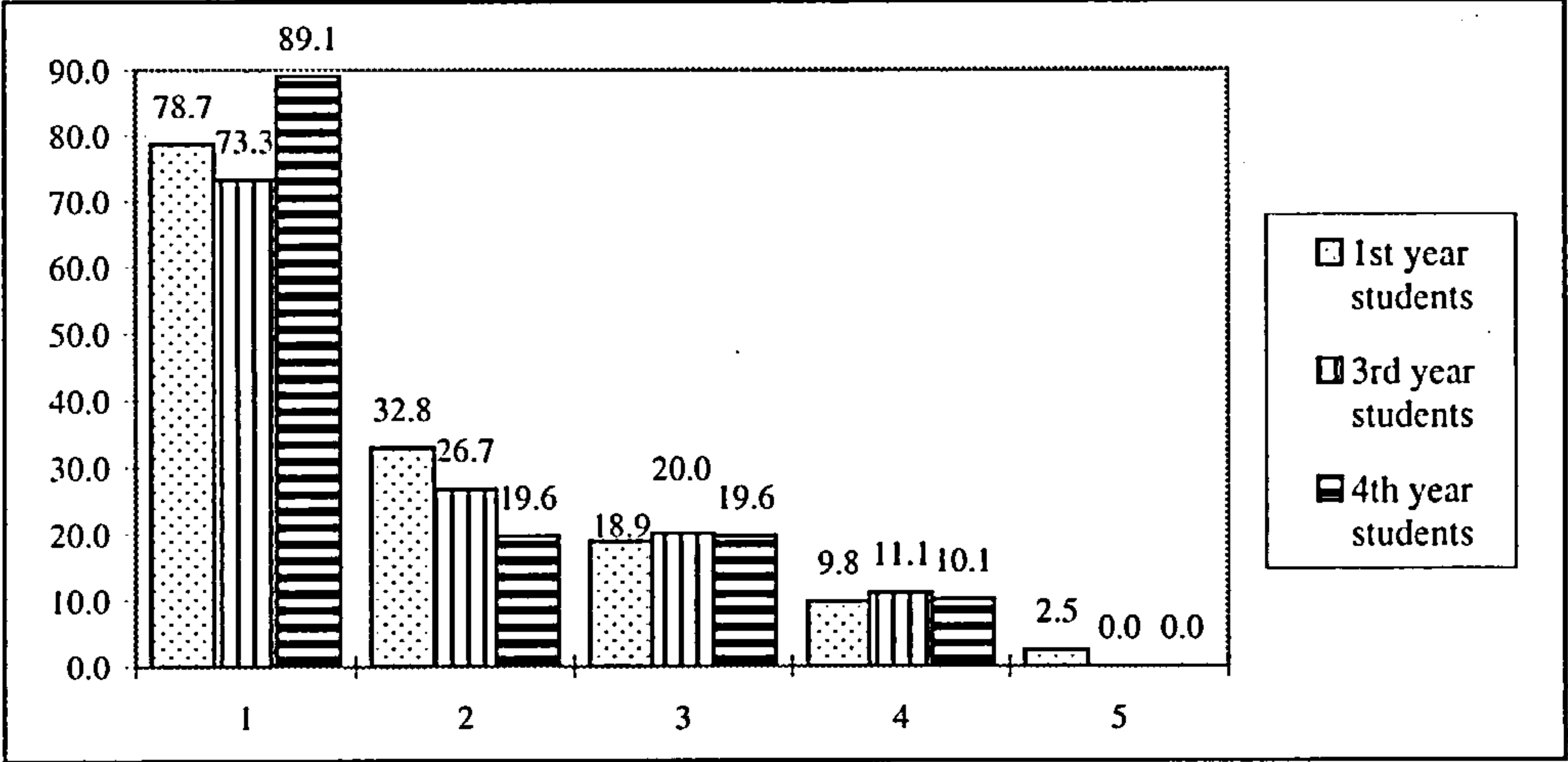
Figure 6.3: Do you think that students in the Faculty of Law should study English?
(STQ.1)



note: "not sure" indicates "I'm not sure".

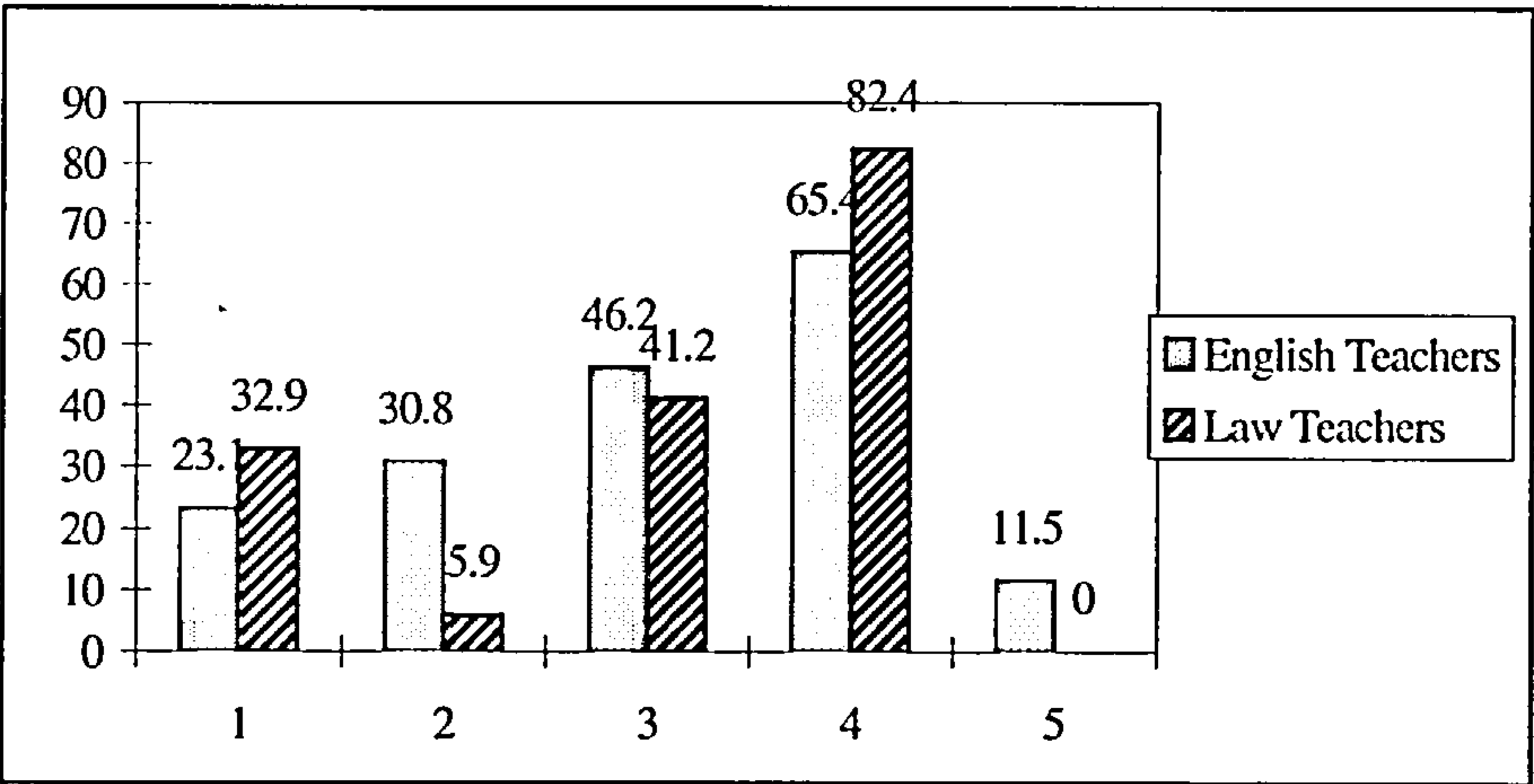
However, the reasons given are different as can be seen from Figure 6.4 (SQ.26) & Figure 6.5 (TQ.11A):

Figure 6.4: What should be the main purpose of the English language lessons in the Department of law in Keio University?
[You can answer more than one.]
(SQ.26)



- note:
- 1. communication - "communication through English"
 - 2. internationalization
 - 3. western culture - "gaining knowledge of western culture"
 - 4. ESP - "useful for specialized course in legal subjects"
 - 5. other

Figure 6.5: Why did you answer yes? [You can answer more than one.]



(TQ.11A)

- note:
- 1. important - "For my future, English will be important".
 - 2. not enough - "High school English is not enough".
 - 3. tool - "In order to communicate our wishes, views, and feelings to foreigners by means of English as an international communication tool".
 - 4. law - "To help acquisition of the knowledge of the specific area (law)".
 - 5. other

Figure 6.4 (SQ.26) indicates that 79.8% of the students (1st: 78.7%, 3rd: 73.3%, 4th: 89.1%) want to study English as a communication tool, whilst in Figure 6.5, 82.4% of law teachers and 65.4% of English teachers consider that English language lessons will help students to acquire knowledge of their specific area (law). However, only 10.3% of all the students believe that English language lessons will be useful for studying their specific area. Concerning English as an international communication tool, only 46.2% of English teachers and 41.2% of law teachers regard English as important for communication (see Figure 6.5). A particular point of interest is that there is disagreement about whether or not English language lessons are useful for the specialized area (law). Students of course, replied on the basis of their limited experience of the English language lessons as they are taught at present, where they cannot see any connection between their English language lessons and the specific field.

(2) *Dissatisfaction with English language lessons*

Concerning the student's expectations of English language lessons, the following Figure 6.6 (SQ.10) indicates interesting points:

Figure 6.6: Are you satisfied with the English language classes?
(SQ. 10)

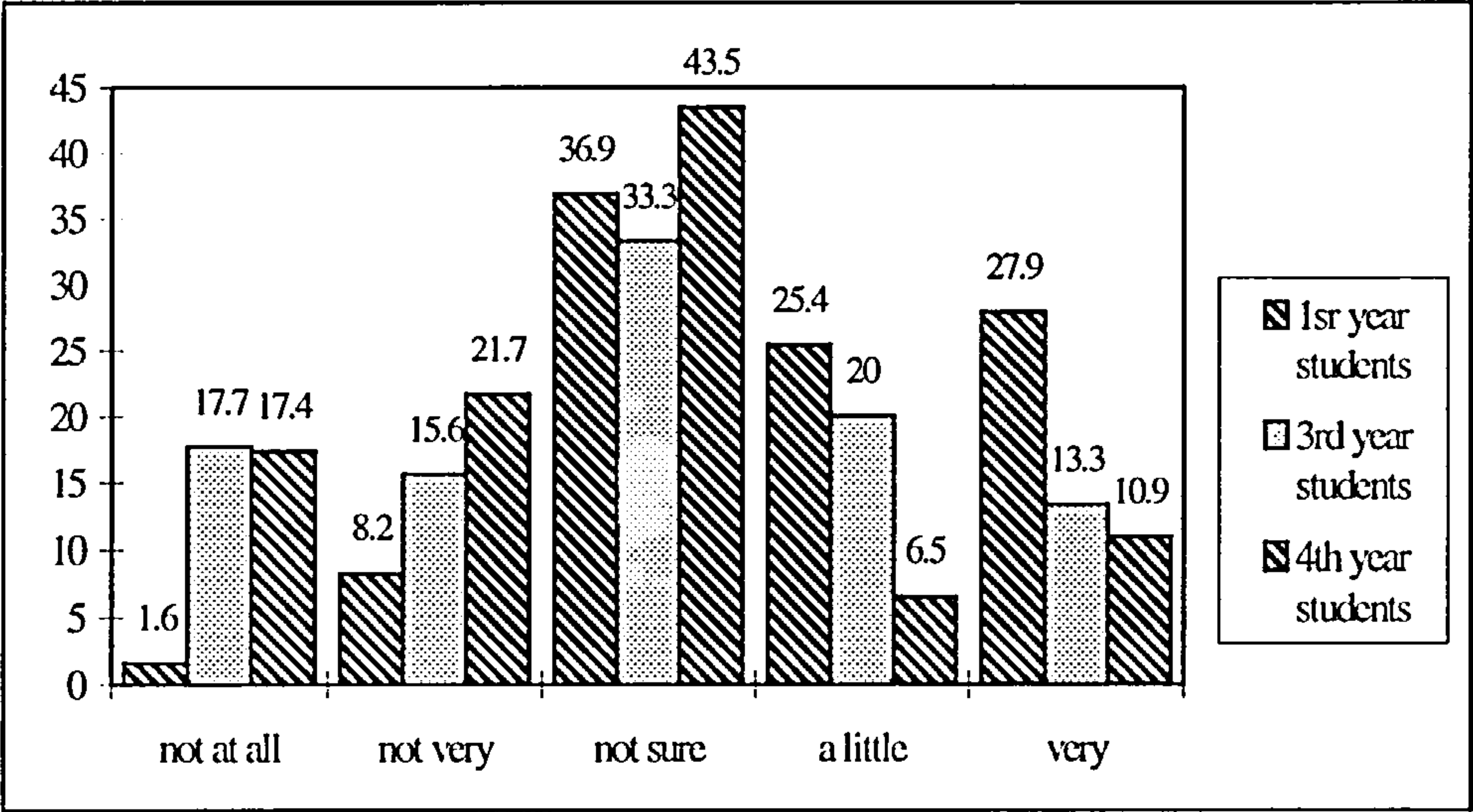


Figure 6.6 (SQ.10) indicates that 33.3% of the 3rd and 39.1% of the 4th year students were not satisfied with the English lessons. On the other hand, only 9.8% of the 1st year students feel dissatisfied with the English language lesson. Let us consider this big difference between the groups. Since 1st year students may be worried about offending their teachers, they may not have wished to answer negatively. On the other hand, 1st year classes may be more satisfactory than 3rd and 4th year classes. (i) 1st year students are taught under the new curriculum of 1993 (see Section 1.4). It seems that they are more satisfied with their English lessons. (ii) 1st year students may be worried about answering negatively because they have yet to take all the English lessons. From the psychological perspectives, they may be afraid to reply with their own genuine ideas.

The following Table 6.2 (TQ.11B) indicates Law teacher's feelings toward English language teaching in Japanese universities:

Table 6.2: It is said that English language teaching in a Japanese university is not always useful for students. What do you think? [Law teachers only.]
(TQ.11B)

Respondents	English Teachers	Law Teachers	Teachers Total
	-	18	-
1. It is <u>not</u> useful at all.	-	2 (11.1%)	-
2. It is <u>not very</u> useful.	-	11 (61.1%)	-
3. I'm not sure.	-	3 (16.7%)	-
4. It is <u>a little</u> useful.	-	2 (11.1%)	-
5. It is <u>very</u> useful.	-	0 (0 %)	-

Table 6.2 (TQ.11B) indicates that 72.2% of the law teachers do not regard English lessons as useful. Law teachers believe that English lessons could be helpful in student's legal study, however, the law teachers are *not* satisfied with the present courses. 53.8% of law teachers blame the entrance examination (see Section 2.1), 23.1% of them indicate that the quality of English teachers is responsible, and 30.8% are afraid that teaching methods may not be appropriate. Another reason given (TQ.11C) for the unsatisfactory quality of the English language lessons is that the class size is too big with about 40 students per class (30.8%), but English language teachers cannot ignore these criticisms of their English language lessons.

(3) Differences between students' and teachers' targets

Let us compare Figure 6.7 (SQ.29) with Figure 6.8 (TQ.13).

Figure 6.7: Which skill would you like to focus on in English language (see Section 1.3)? [You can answer more than one.] (SQ.29)

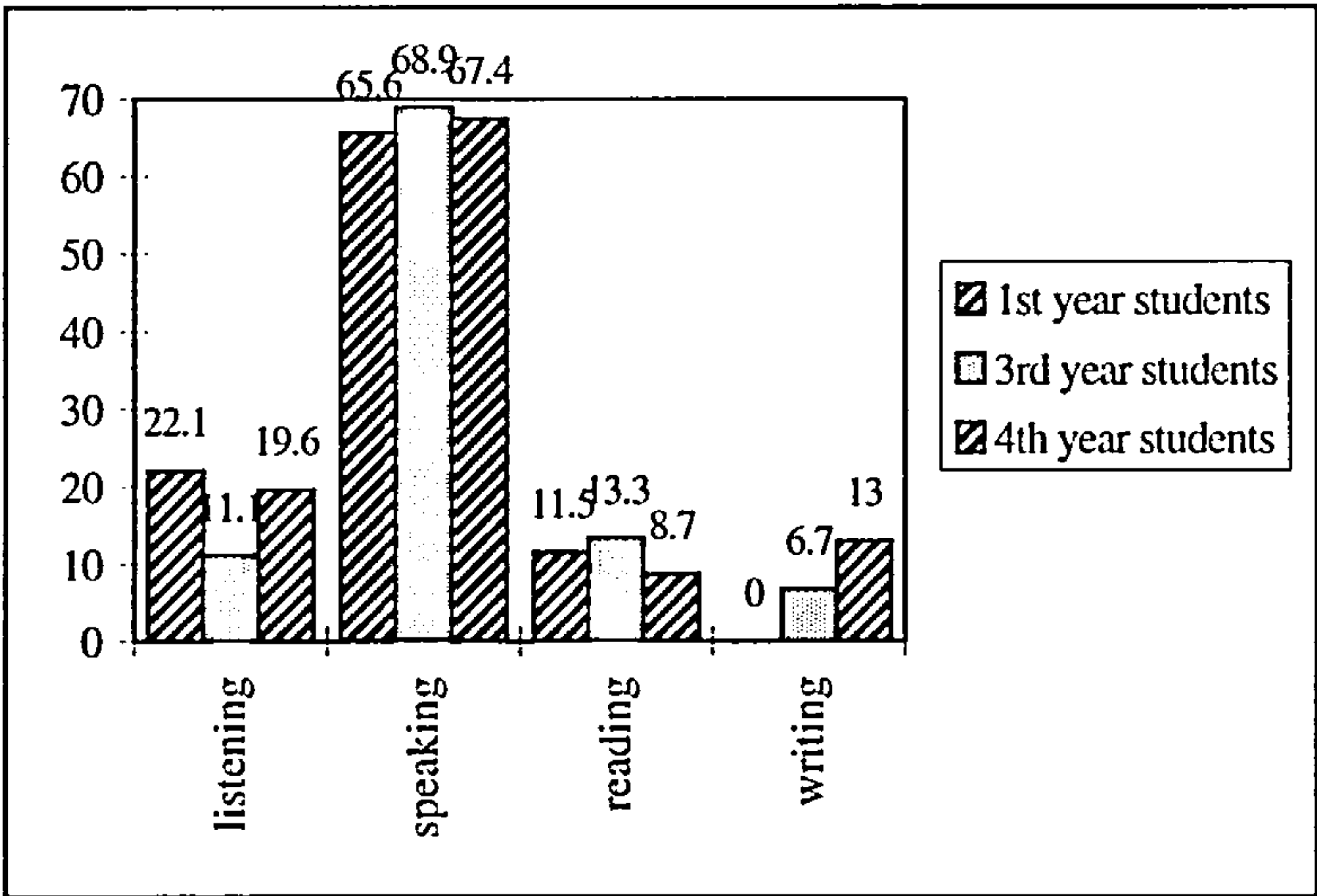
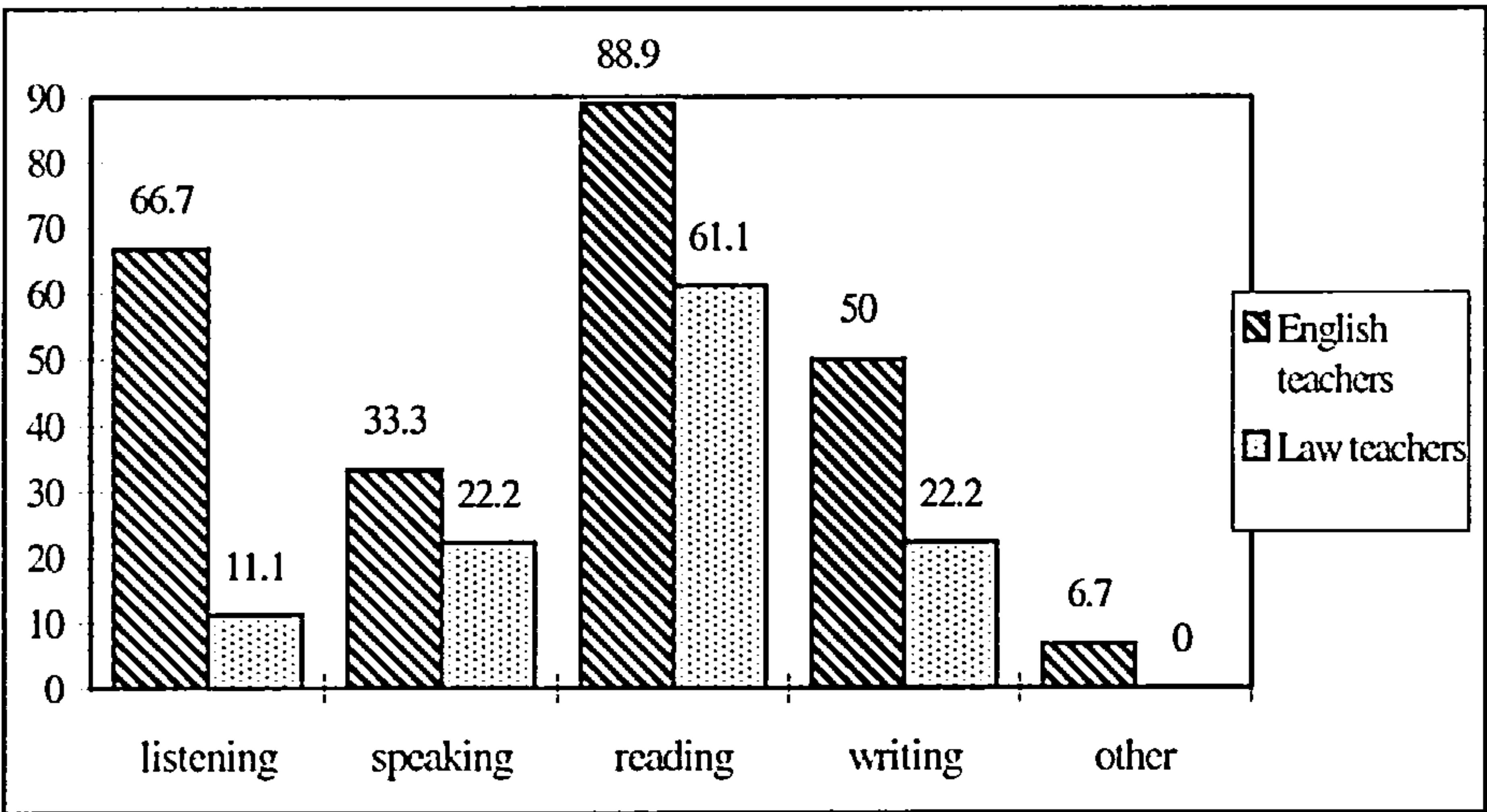


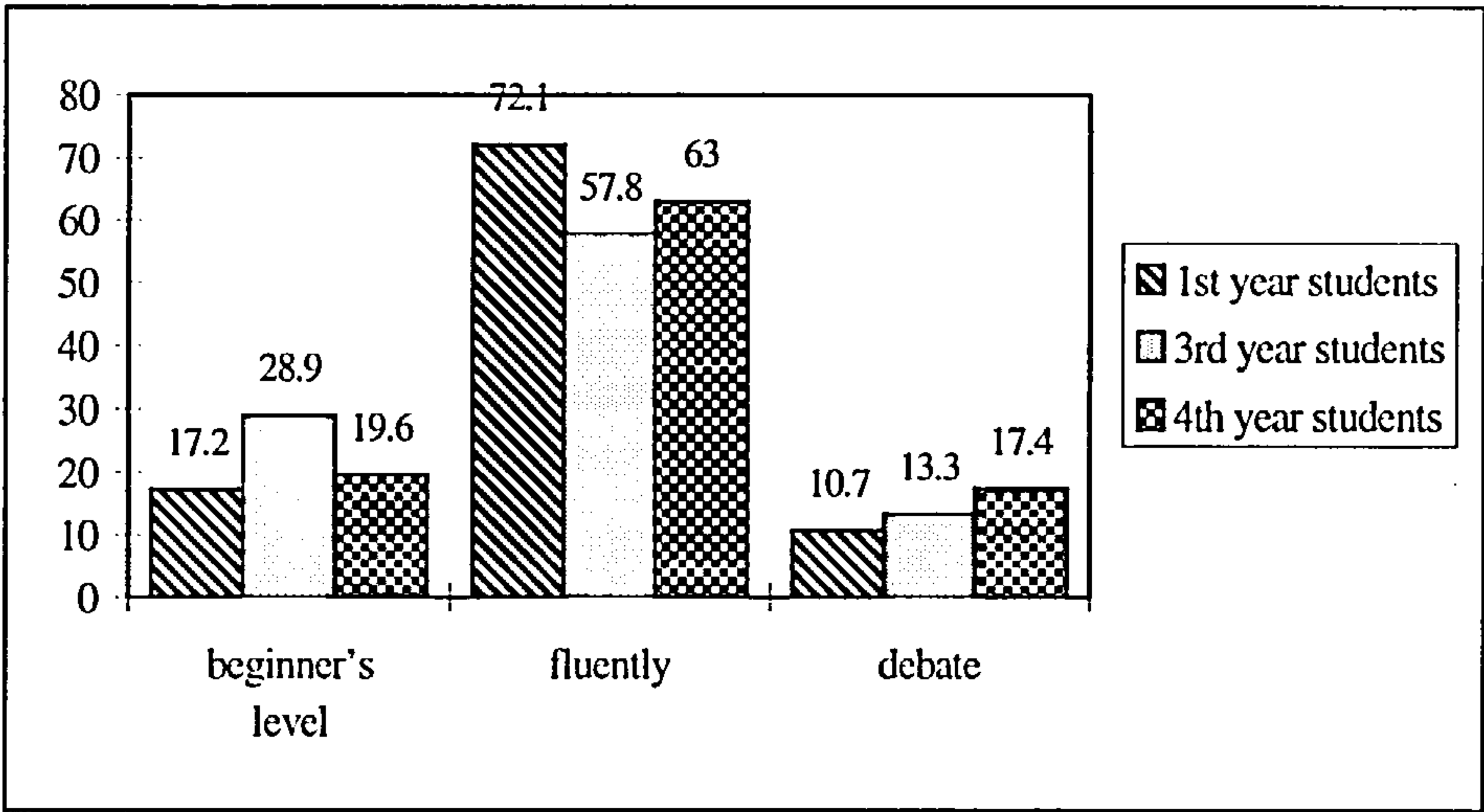
Figure 6.8: If you have set standards in English language teaching, please indicate the target skills. [you can answer more than one.] (TQ.13)



66.7% of the all students (1st year: 65.6%, 3rd year: 68.9%, 4th year: 67.4%) give "speaking skill" as their highest preference (Table 6.7), whereas 88.9% of English teachers and 61.1% of Law teachers indicate the "reading skill" as the major target. Interestingly, although both types of teachers agree that reading should be emphasized, English teachers also focus on "listening (66.7%), speaking (33.3%) and writing (50.0%) skills". Only 11.3% of the students wish to focus on reading skills.

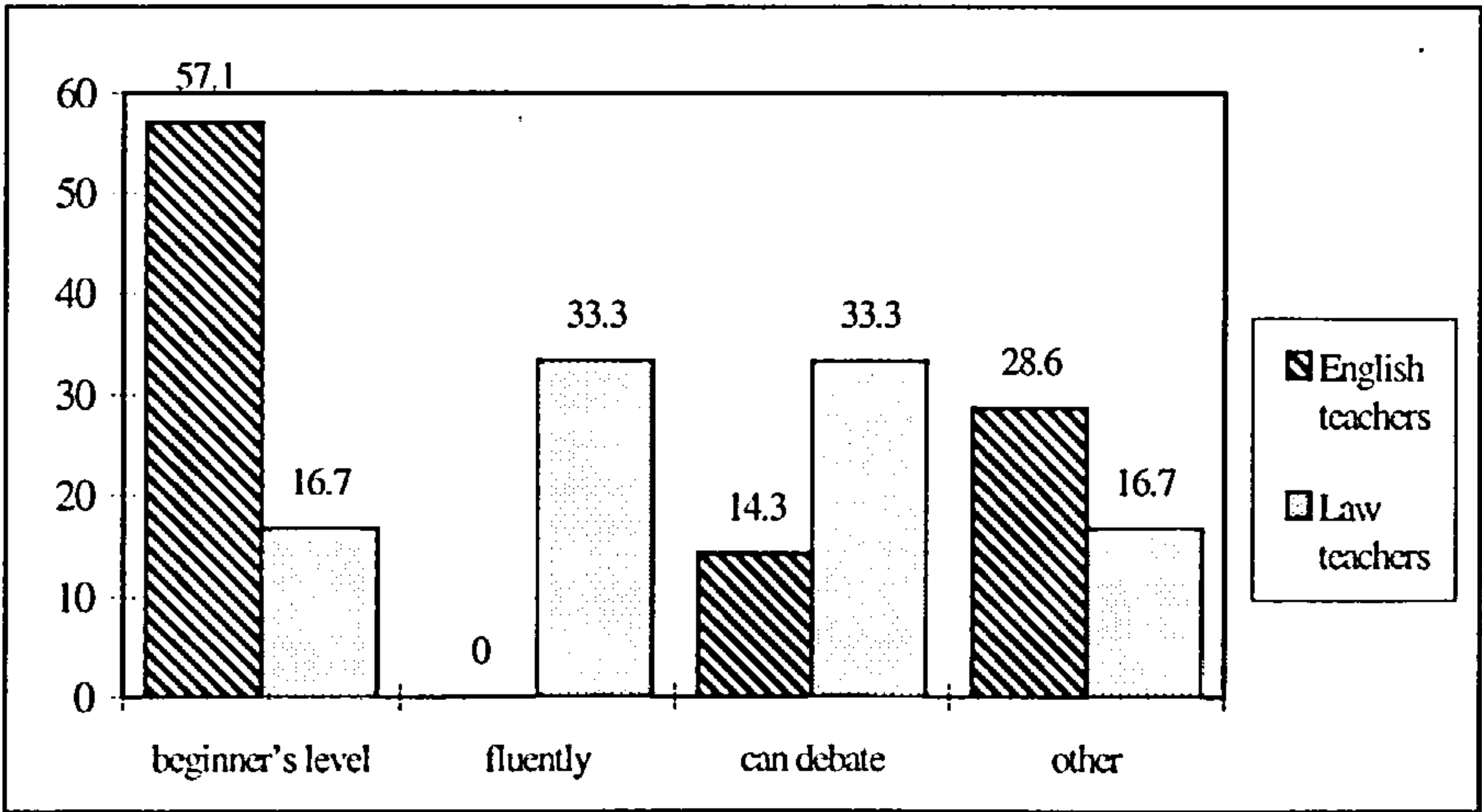
It is clear that students aspire to higher levels in speaking (Figure 6.9).

Figure 6.9: What level should be aimed at (in speaking)?
(SQ.31)



beginner's level : Students can speak English at beginner's level
fluently : Students can speak English fluently like a native speaker
debate :Regarding the Academic topics, students can argue with each other

Figure 6.10: What level should be aimed at (in speaking)?
(TQ.20)



It can be seen that students want to master a higher level of speaking. They tend to be attracted by this new skill because most have never had the chance to practice speaking at school. 67.1% of the students (1st: 72.1%, 3rd: 57.8%, 4th: 63.0%) would like to "communicate fluently". On the other hand, as we see from Table 6.10, English teachers show low expectations, the majority of them (57.1%) suggesting that 'beginner's' level would be appropriate. Interestingly, 33.3% of the law teachers have much higher expectations and expect students to speak 'fluently', and 33.3% of them also expect students to master the skill of "debate". Why does this gap occur between students and law teachers vs. English teachers? One reason may be that English teachers realise the problem of trying to teach communicative speaking skills in the time available and are also concerned about class size. Are English teachers just being realistic or are their expectations too low?

Now, let us consider the attitude of students and teachers to the "reading skill".

Figure 6.11: What level should be aimed at (without an English-Japanese dictionary in reading)?
(SQ.32)

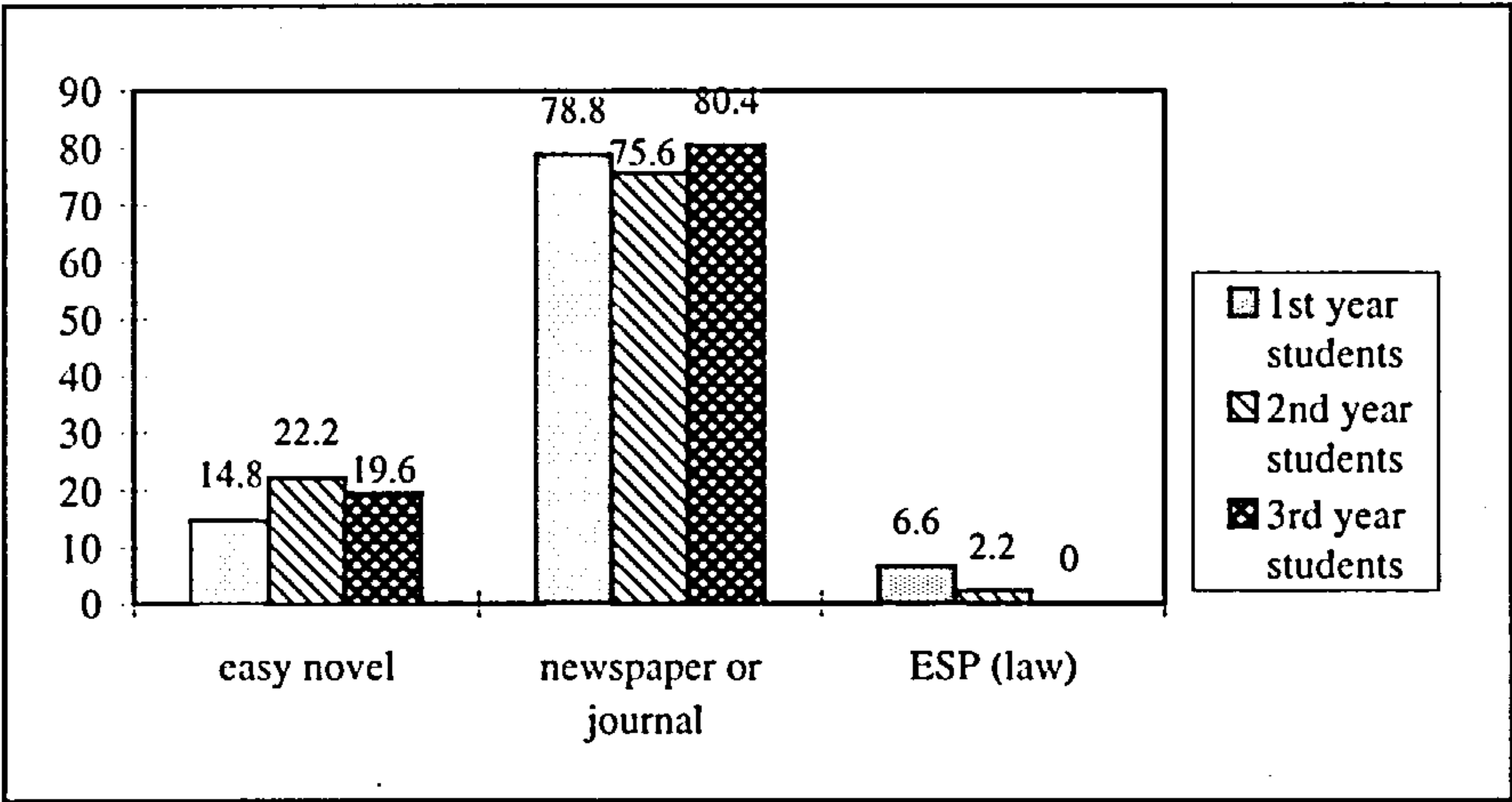
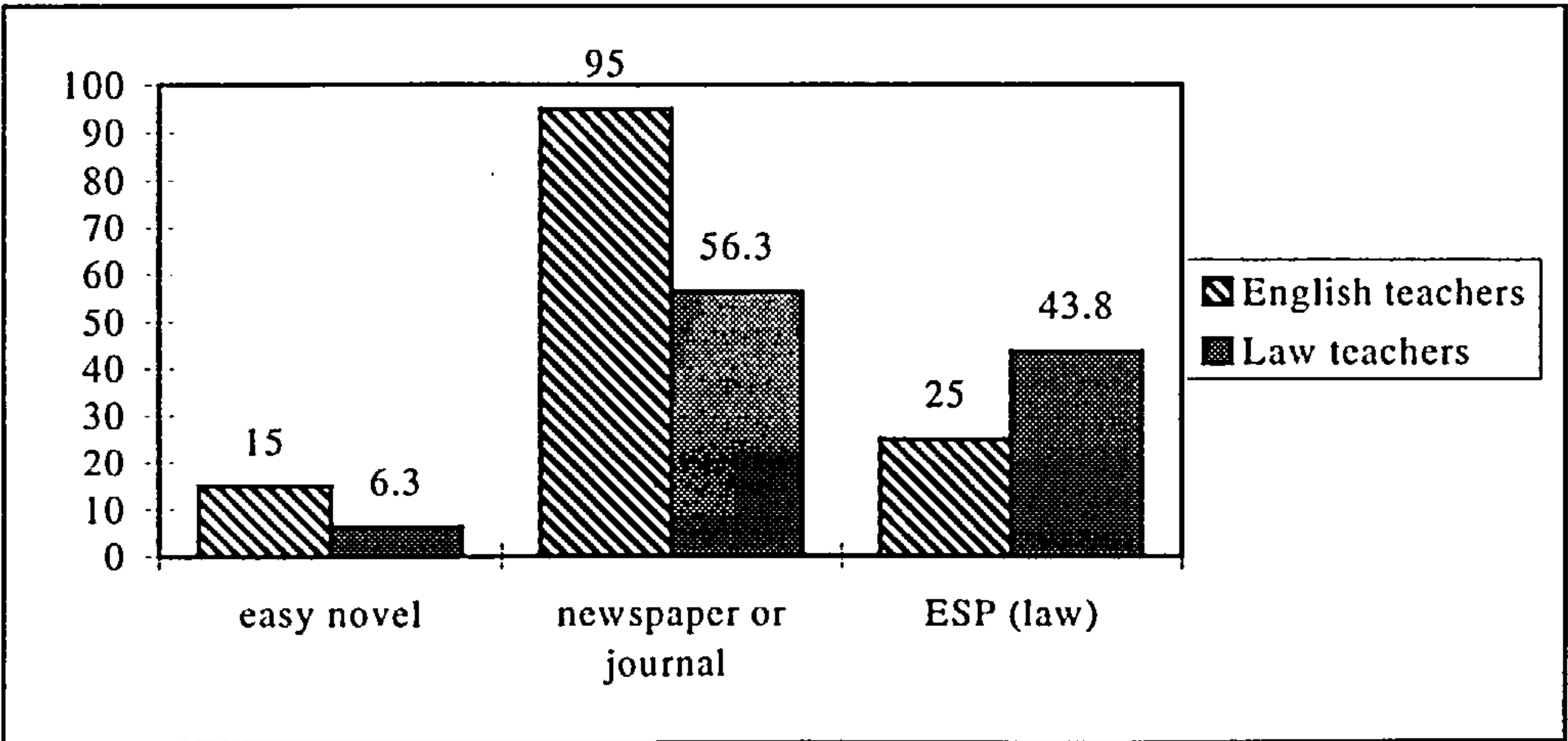


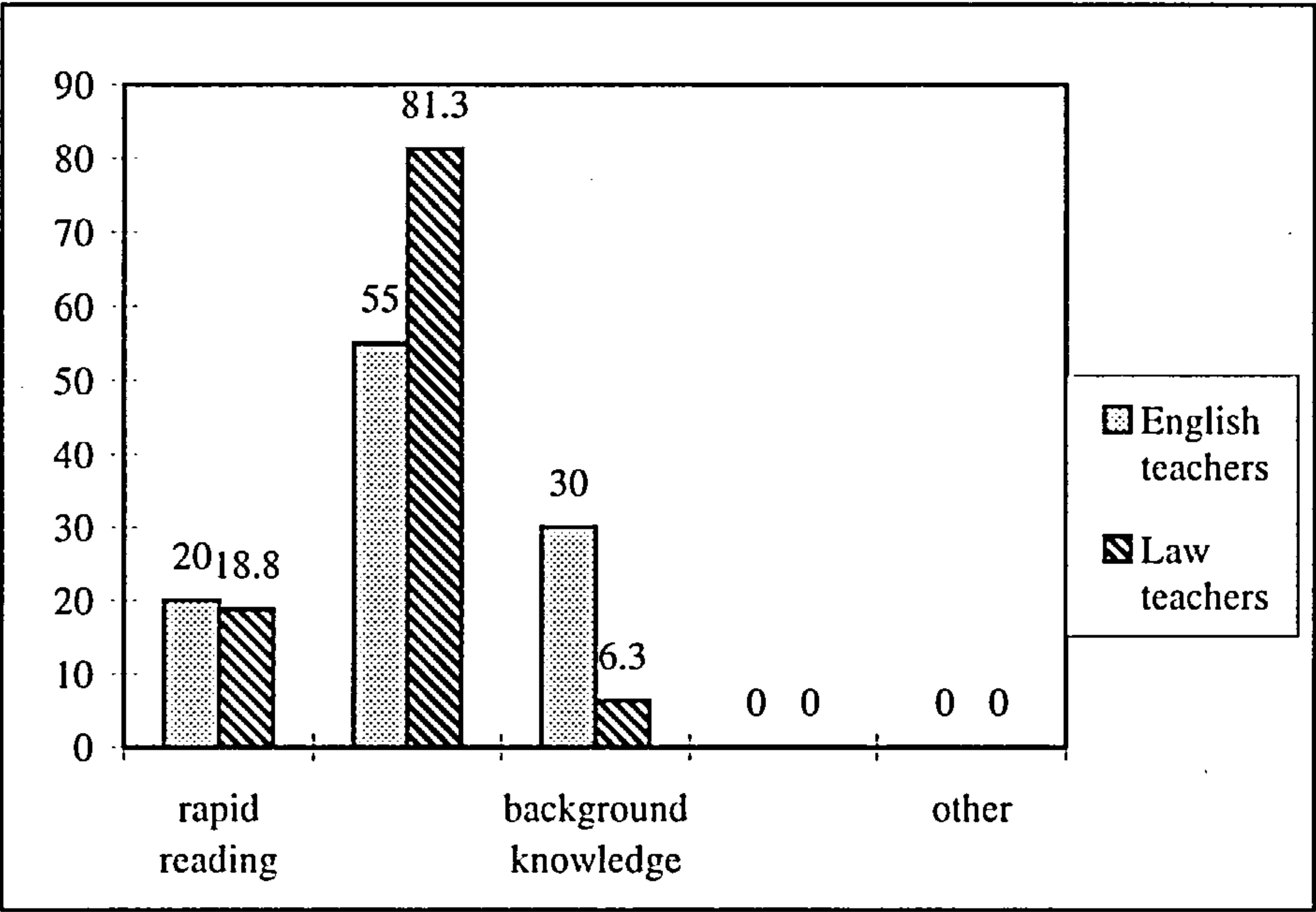
Figure 6.12: What level should be aimed at (in reading)?
(TQ.22)



As we see from Figure 6.11 (SQ.32), 78.4% of the students (1st; 78.8%, 3rd; 75.6%. 4th; 80.4%) aim to read newspapers or journals without an English-Japanese Dictionary. Figure 6.12 (TQ.22) indicates that 95.0% of English teachers also agree that this level should be aimed at. On the other hand, law teachers' fall into into two types: 56.3% of law teachers agree that reading newspapers or journals is a reasonable aim, but 43.8% believe that the level should be raised to specialized books in law. Law teachers again tend to have higher expectations.

Figure 6.13 (TQ.23) shows that there is a difference between English and Law teachers' ideas about what kinds of activity are appropriate for reading classes.

Figure 6.13: Which kind of activity in the reading lesson should be focused on? (TQ.23)



- note:**
- 1. rapid reading - "to grasp the main points of the passage by rapid reading"
 - 2. exact context - "to understand the exact context"
 - 3. background knowledge - "to gain background knowledge"
 - 4. appreciation of a work - "to appreciate the book"
 - 5. other

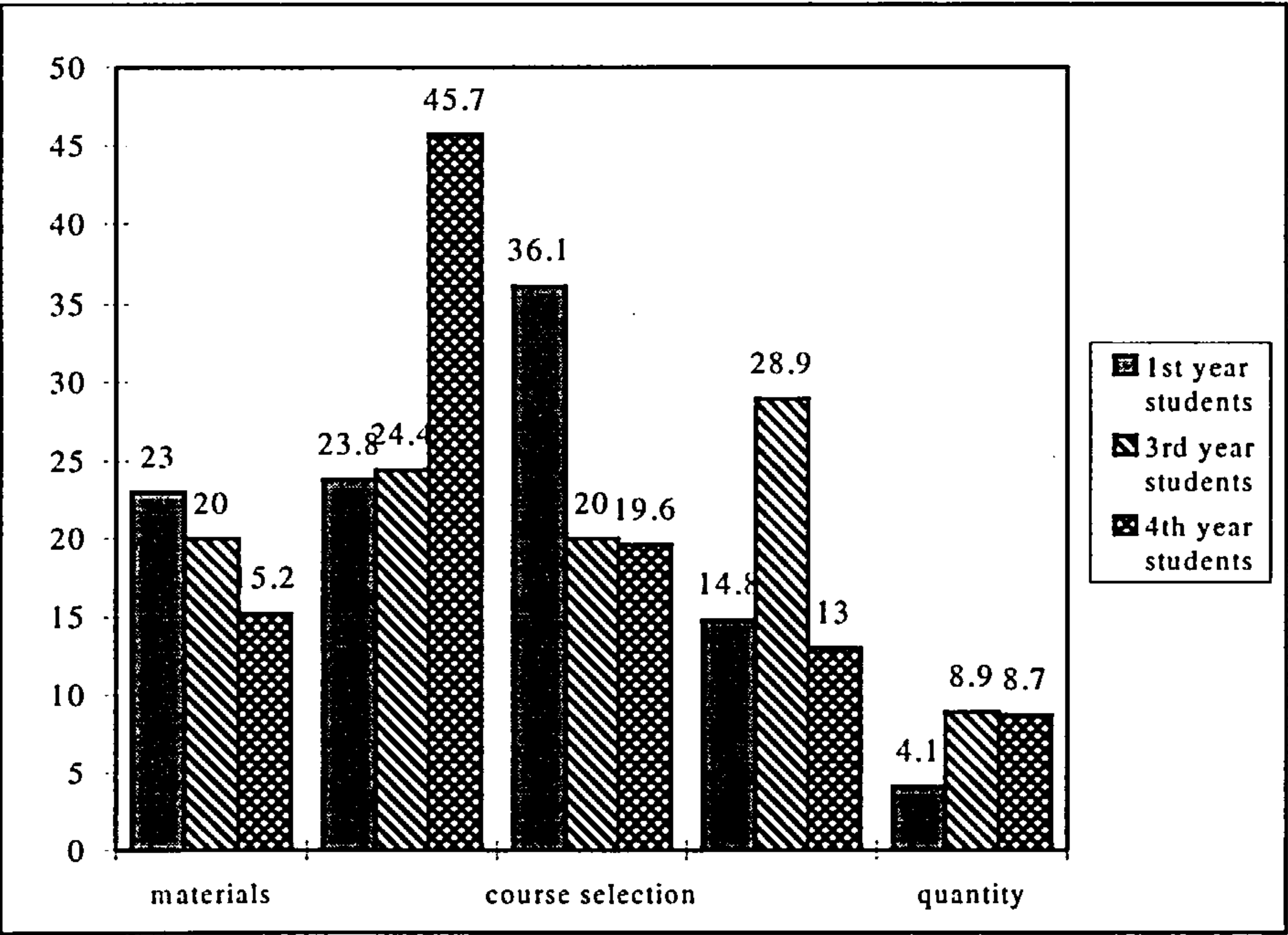
The arguments of English teachers were separated into three kinds of activity; 20.0% of English teachers expect students to grasp the main points of the passage by rapid reading, 55.0% want to focus on understanding the exact content, 30.0% of them hope to help students gain background knowledge. Nevertheless, 81.3% of Law teachers argue that the activity of reading should focus on understanding the exact context.

They consider that, although it might be useful for students to read rapidly understanding the exact context is absolutely important.

(4) Appropriate materials

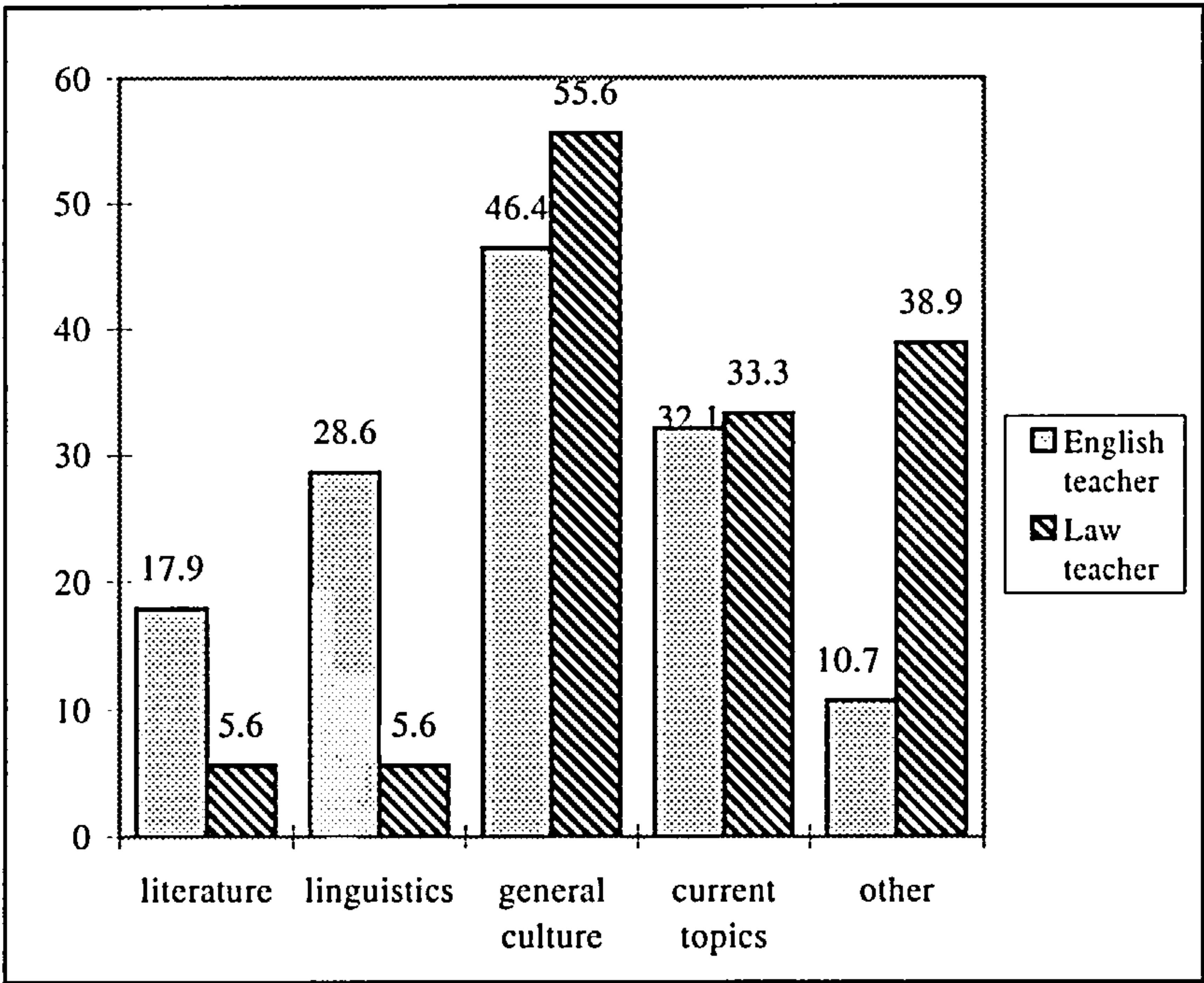
As can be seen from Figure 6.14 (SQ.19), 20.7% of the students (1st: 23.0%, 3rd: 20.0%, 4th: 15.2%) believe that the teaching materials need improvement although first year students are more generally satisfied. However, in comparison with Figure 6.6 (SQ.10), there is an interesting contradiction among the first year students' answers. Although only 9.8% of them feel dissatisfied with the English language lessons (Figure 6.6 (SQ.10)), all of them admit that English language lessons might be improved (in materials, methods, course selection, class size and the quality of the teachers). In particular, 45.7% of the 4th year students replied that teaching methods should be improved. Since they have experienced a seminar style lesson in their legal studies, they might think that this method could improve English lessons.

Figure 6.14: Which point do you think should be improved at first? (SQ.19)



Also, from TQ.11C, we see that some law teachers would like to improve the textbooks. By use of Figure 6.15 (TQ.14), let us compare English teachers' views and Law teachers' views.

Figure 6.15: Concerning English language lessons in 1993, which kinds of topics are you dealing with in class? [for law teachers: Which kinds should be used?] (TQ.14)



46.4% of English teachers and 55.6% of Law teachers consider that general cultural topics (manner, customs, geography, history, philosophy) are appropriate. Both of them identify the importance of Liberal Arts studies. 17.9% of English teachers use literature topics and 28.6% of them use linguistic topics. Nevertheless, only 5.6% of Law teachers agree with use of those topics in English lessons. 32.1% of English teachers and 33.3% of Law teachers think that current affairs topics are appropriate, but 38.9% of Law Teachers selected "other topics". Among written responses from Law teachers, there are many suggestions:

(i) Some law teachers stress the importance of the connection with legal study:

'The materials should be connected with legal study, for example, *Elements of Law*.'

(ii) The journals or magazines:

'The English materials should be the equivalent of Japanese journals or magazines which are worth reading by university students, for example, *Time* or *News Week*.'

The basic point of this argument seems to lie in the view that students have already acquired the language ability to appreciate these topics and are ready to tackle authentic texts in English. English teachers, on the other hand, suggested:

(iv) English teacher's specialized area

'Materials from the specialized area of the English teacher. For example, if an English teacher is a specialist in Shakespeare, he/she had better use the plays as materials.'

This idea seems to be representative of most English language teachers in the Department of Law. However, if an English language teacher who majors in literature is employed in a Department of Law, why should he or she teach a different area from the specialty? This point is worth debating. English teachers seem to believe that their lessons can give students a good general education and that this will help them to study their legal studies (see Section 2.2).

In the next section of 6.2.2, there is further discussion of attitudes to English language teaching in the Department of Law. (Regarding the textbooks which were used in 1993, please refer to Section 1.4.).

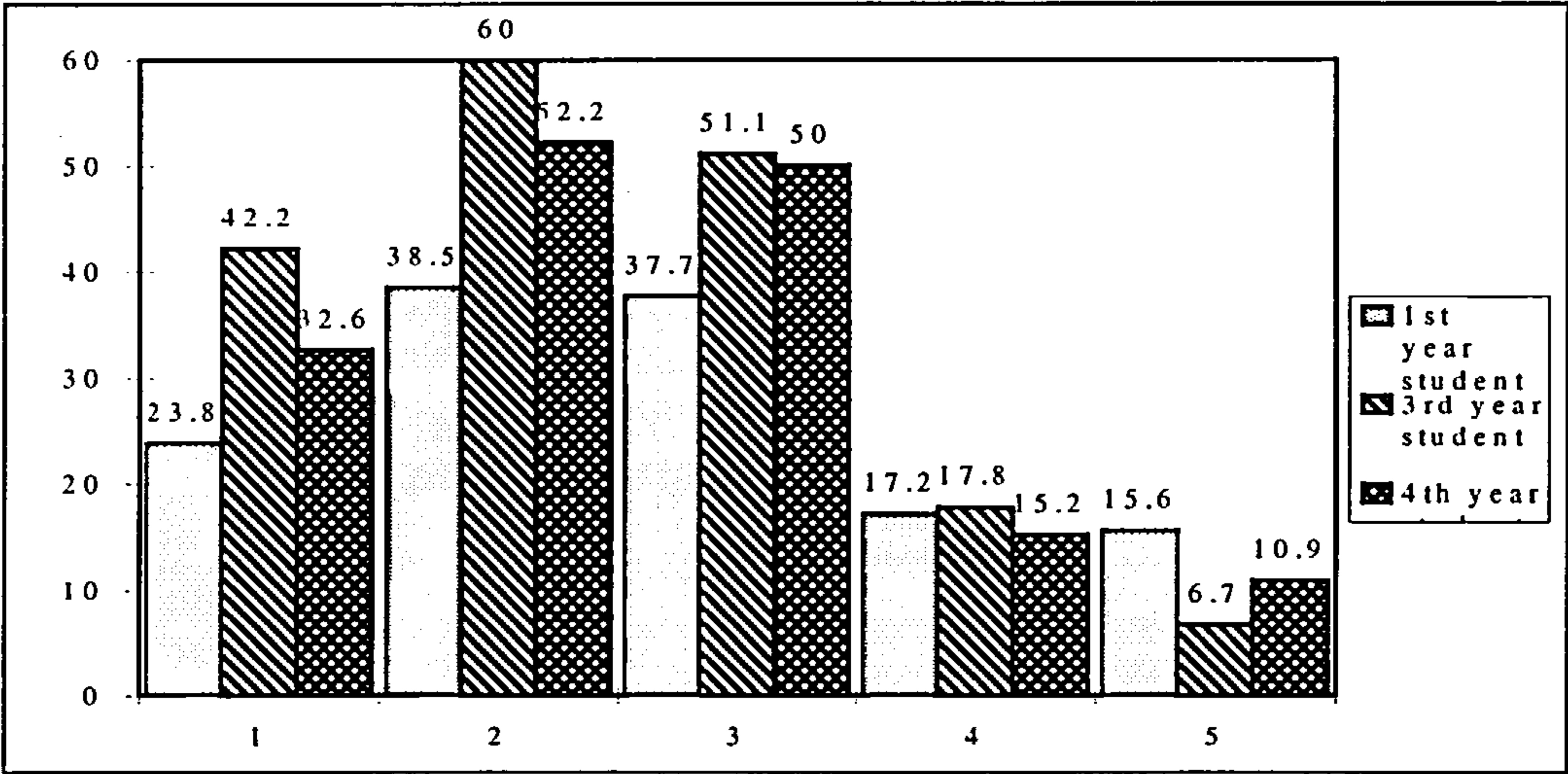
6.2.2. Improving the system of language teaching

This section refers to not only English but also other foreign language teaching in the Department of Law. The Department of Law at Keio University has adopted the new curriculum since 1993 (see Section 1.4.).

(1) Class size

According to Figure 6.16 (SQ.34), 50.23% of the students (1st: 38.5%, 3rd: 60.0%, 4th: 52.2%) feel that the biggest problem in English language teaching in the Department of Law seems lies in unskillful teaching methods.

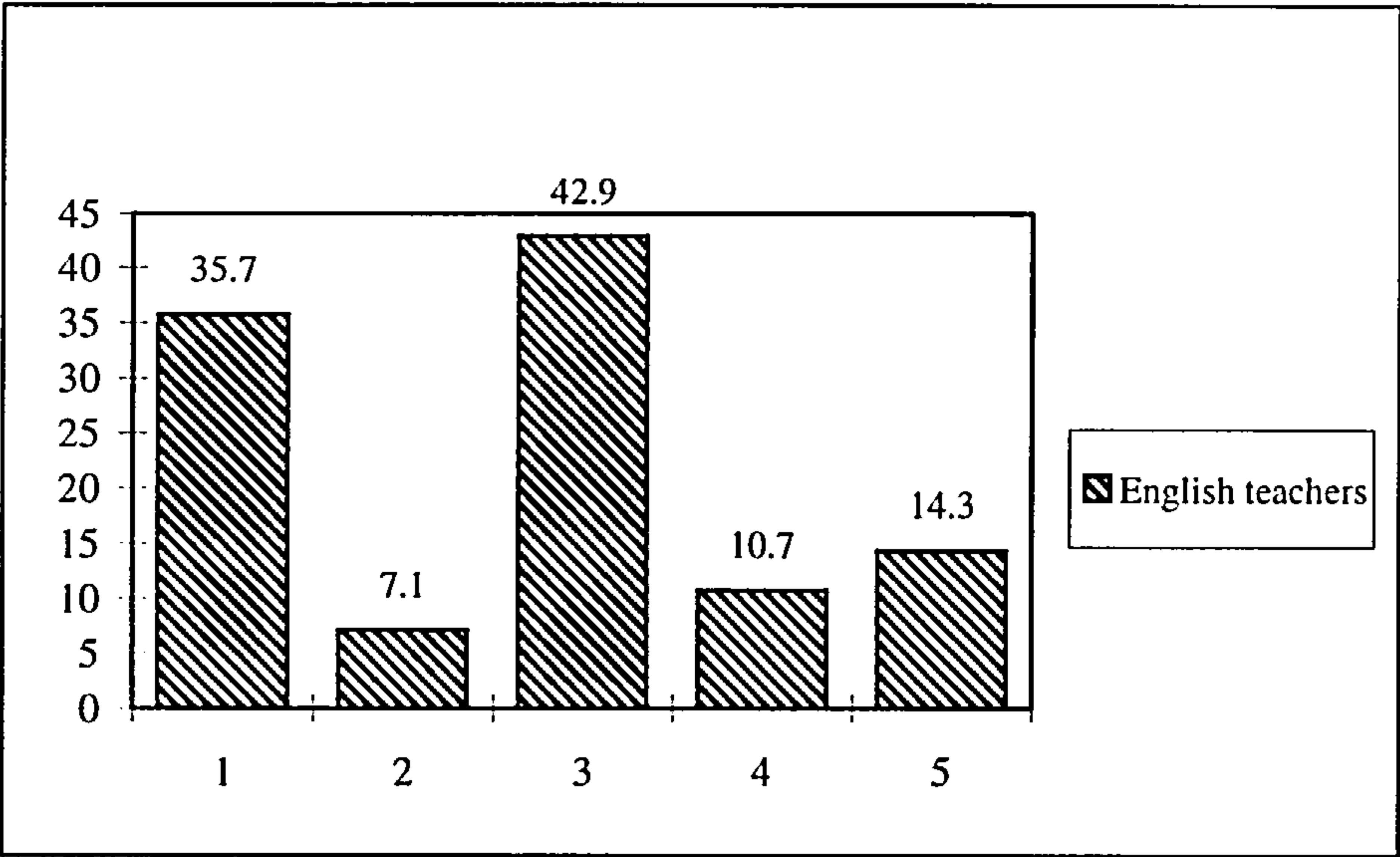
Figure 6.16: What is the biggest problem in the language lessons in Keio University? [You can answer more than two.] (SQ.34)



- note:
- 1. Classes are too big
 - 2. Teaching methods are not good
 - 3. I cannot select a skill I want to learn
 - 4. I cannot learn from a Japanese teacher
 - 5. Other

Similarly in Figure 6.17 (TQ.27):

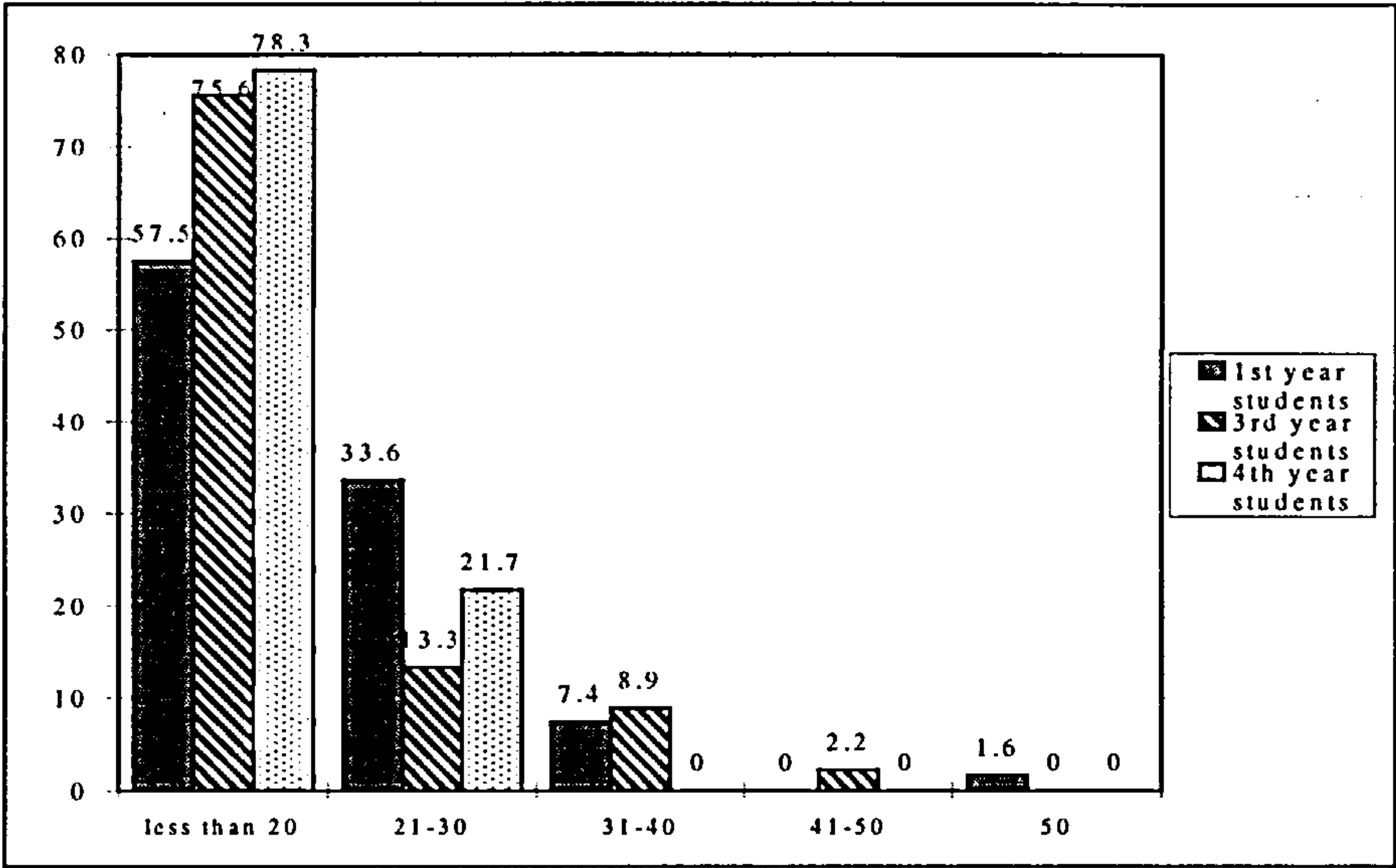
Figure 6.17: Are you now **happy** with the teaching **methods** you use for English? (TQ.27)



- note:
- 1. happy - "I am happy."
 - 2. lack of students' knowledge - "I cannot use good methods because lack of students' knowledge."
 - 3. class size - "I cannot use good methods because of the big class size."
 - 4. environment - "I cannot use good methods because of teaching environment."
 - 5. other

An average of 35.7 of English teachers admit they are not happy with the teaching methods which they now use. English teachers state the reasons why they cannot use 'ideal' methods as follows: 7.1% of them criticize the lack of student's knowledge, 42.9% of them claim that class sizes are too big, and 10.7% of them criticise the unsuitable classroom environment because they cannot use Audio-visual aids, overhead projectors or a language laboratory. Let us investigate Figure 6.16 (SQ.34) again. 29.6% of the students also claim that classes are too big. Figure 6.18 (SQ.40) shows that 65.7% of the students (1st: 57.4%, 3rd: 75.6%, 4th: 78.3%) wish to study with fewer than 20 students per class. Thus there is a general demand for smaller classes.

**Figure 6.18: How many students should be there in an English class?
(SQ.40)**



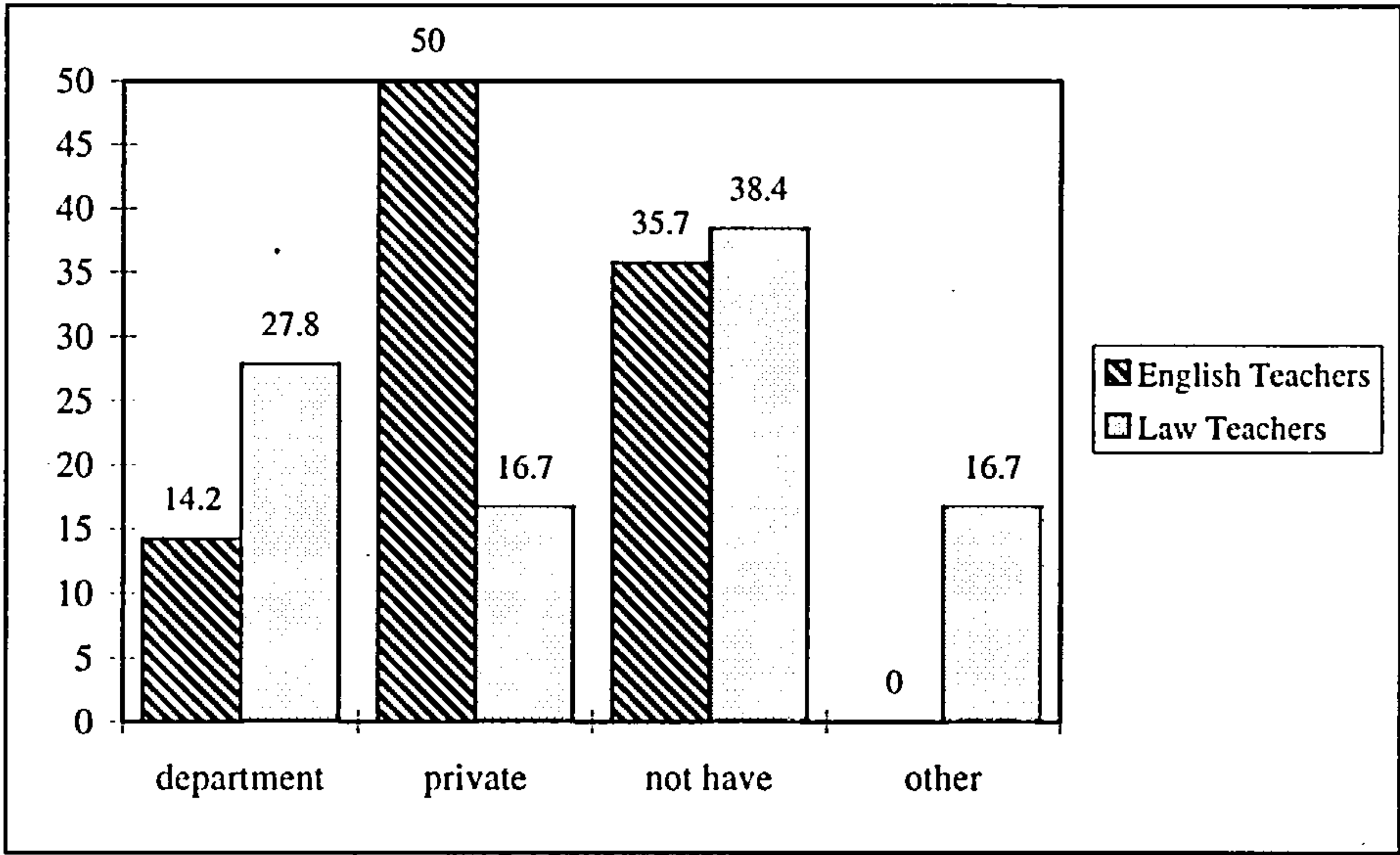
(2) Students cannot select skills

According to the above Figure 6.16 (SQ.34), 43.7% of the students also complain that they are not allowed to select a skill which they would like to learn. Although it is questionable whether skill-based English lessons are appropriate at a university level, it is true that most Japanese universities do not prepare many types of language courses.

(3) *Setting standards for English language teaching*

Figure 6.19: Should your department set standards or targets for English?
[English teachers]

Should your department set standards or targets for English? [Law teachers]
(TQ.12)



- note:
- 1. department - "We have standards at a department level."
 - 2. private - "We have standards at a personal level."
 - 3. not have - "We do not have standards."
 - 4. other

Figure 6.19 (TQ.12) indicates that there is a lot of disagreement here: 14.2% of English teachers and 27.8% of Law teachers agree with setting standards at department level, while 50.0% of English teachers and 16.7% of Law teachers believe they should set standards at a personal level. These English teachers wish to protect their individual teaching policies or styles; namely, they do not agree with the department saying what they should achieve as teachers. The Law teachers state the following arguments:

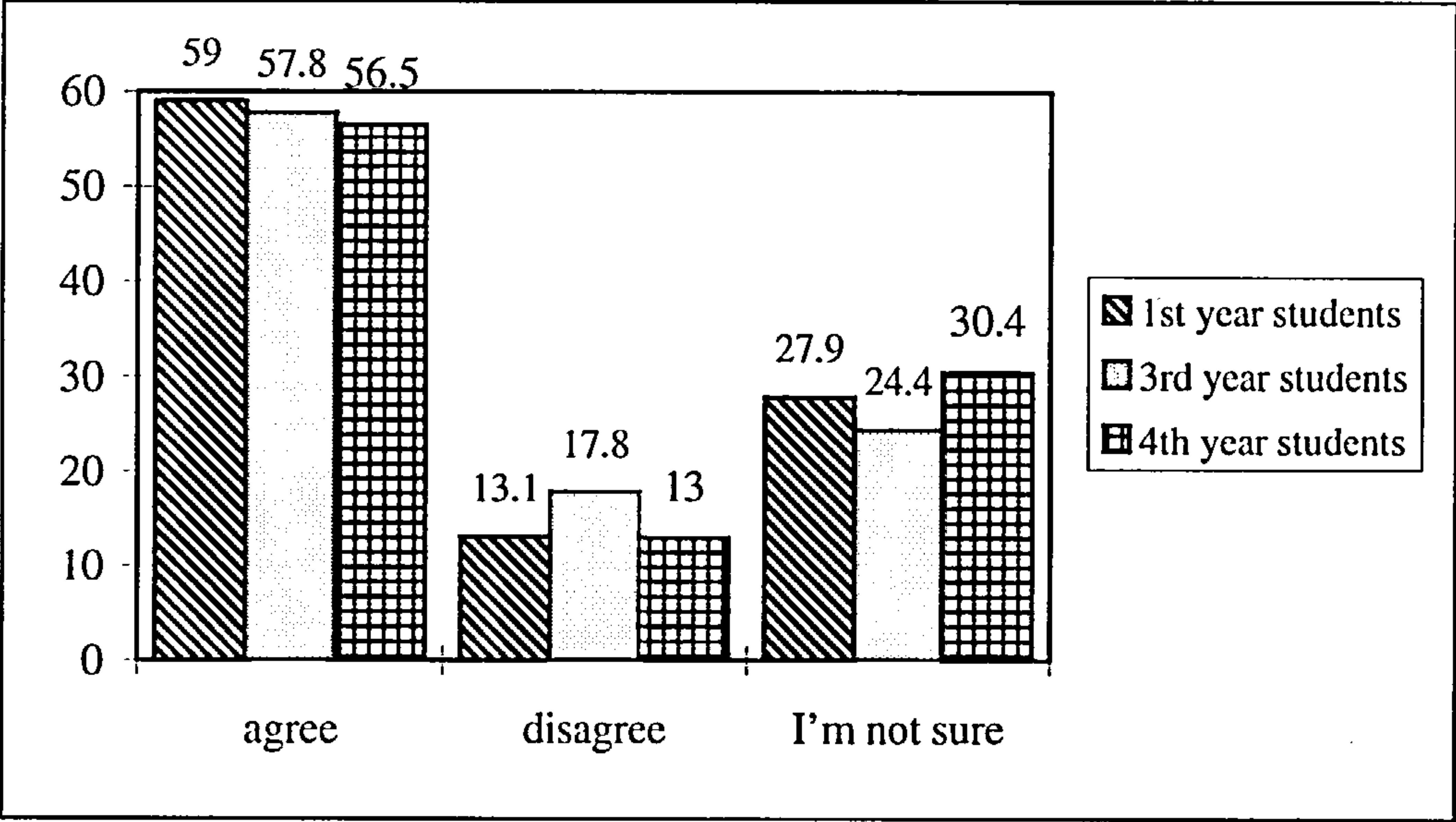
- 'Because students have their own purposes, the course has many variations.'
- 'As a part of a university education system, a standard is necessary.'

The notion of setting standards at a departmental level is a very new one in the Department of Law in Keio University (see Section 1.4.), and what is important is not only setting standards but also practising them.

(4) *The system of foreign language provisions*

A current issue is whether or not students should be allowed to *choose* to study a language. Figure 6.20 (SQ.36(2)) indicates that students are strongly in favour of elective (optional) courses in English (an average of 57.7% for to 14.3% against).

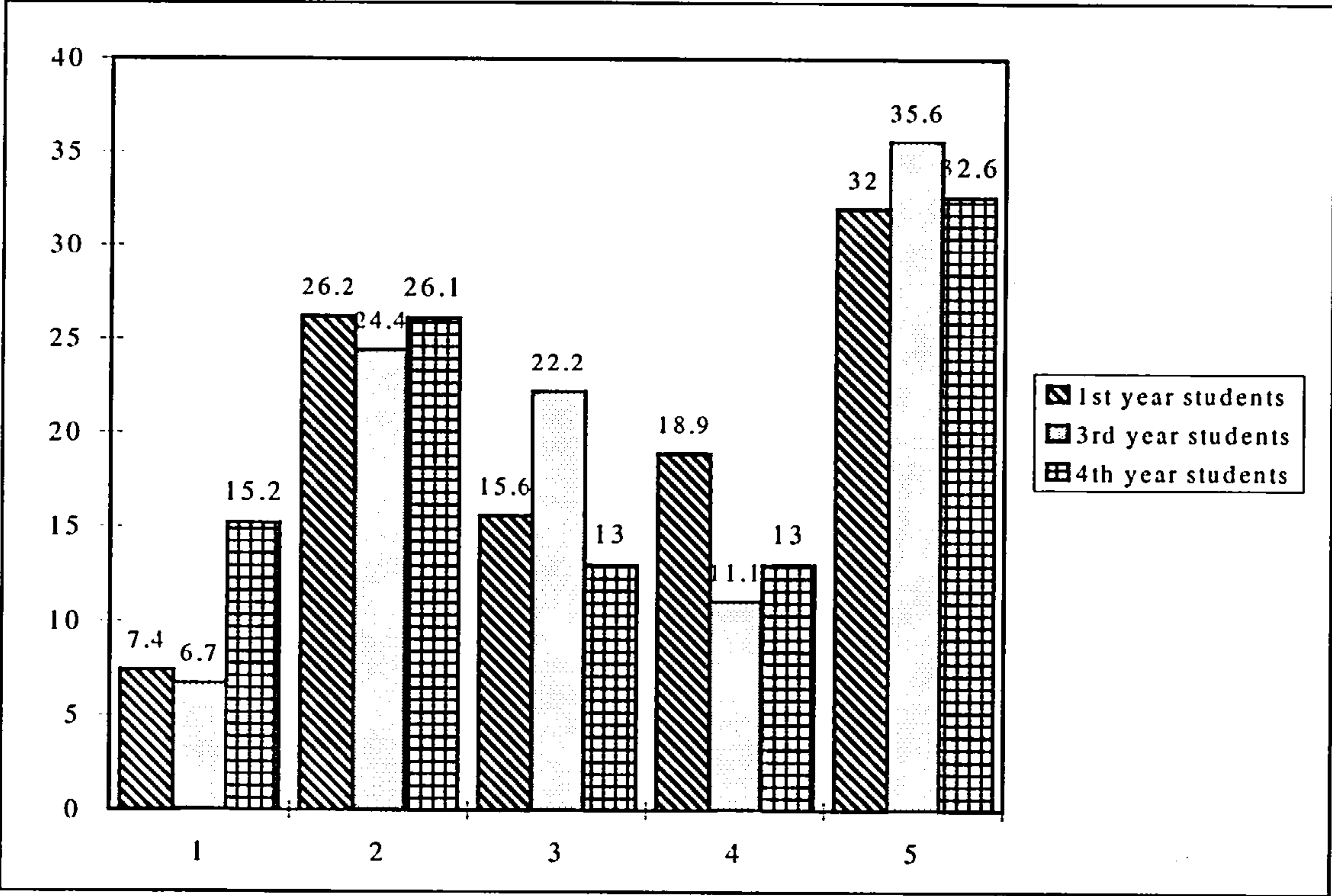
Figure 6.20: English language lessons should be elective (optional) courses. (SQ.36)



If elective courses were introduced English language would no longer have the stable position in university education that it now holds (see Section 2.3) although it would be possible to retain the requirement that all students must take a certain number of courses.

Similarly, all students have to select one more foreign language. The following Figure 6.21 (SQ.41) shows that 25.4% of 1st year students, 35.5% of second year students and 32.9% of 4th year students think all the language courses (French, German, Russian, Chinese, and Italian) should be elective.

Figure 6.21: Regarding foreign language learning, "What is the ideal feature?" (SQ.41)



- note:
- 1. Only English is compulsory.
 - 2. English is compulsory, while the other language is elective.
 - 3. One foreign language is compulsory among all the foreign languages
 - 4. Two foreign languages are compulsory, including English.
 - 5. All the foreign languages elective.

Of course, it may not be wise to follow the students' requests without consideration. However, all the language teachers should consider the students' attitudes and reconsider how language courses should be treated in the Department of Law. Also, we need to reach a consensus on what role languages should play in the Department of Law.

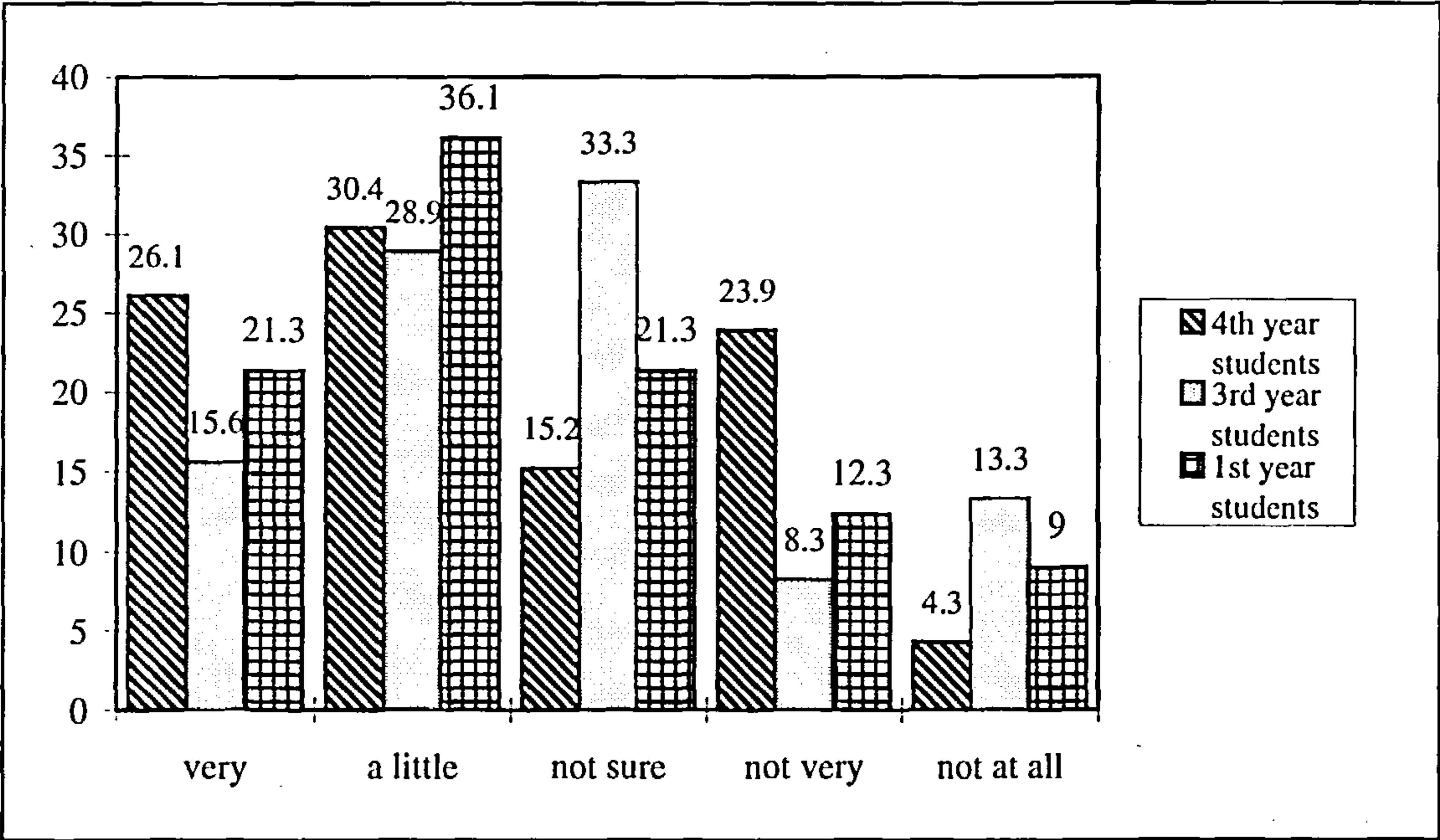
In the next section (6.2.3), we will discuss sections of the survey on language lessons for legal studies.

6.2.3. English language lessons for legal studies

In this section, I examine attitudes to English for legal studies.

(1) Student's motivation

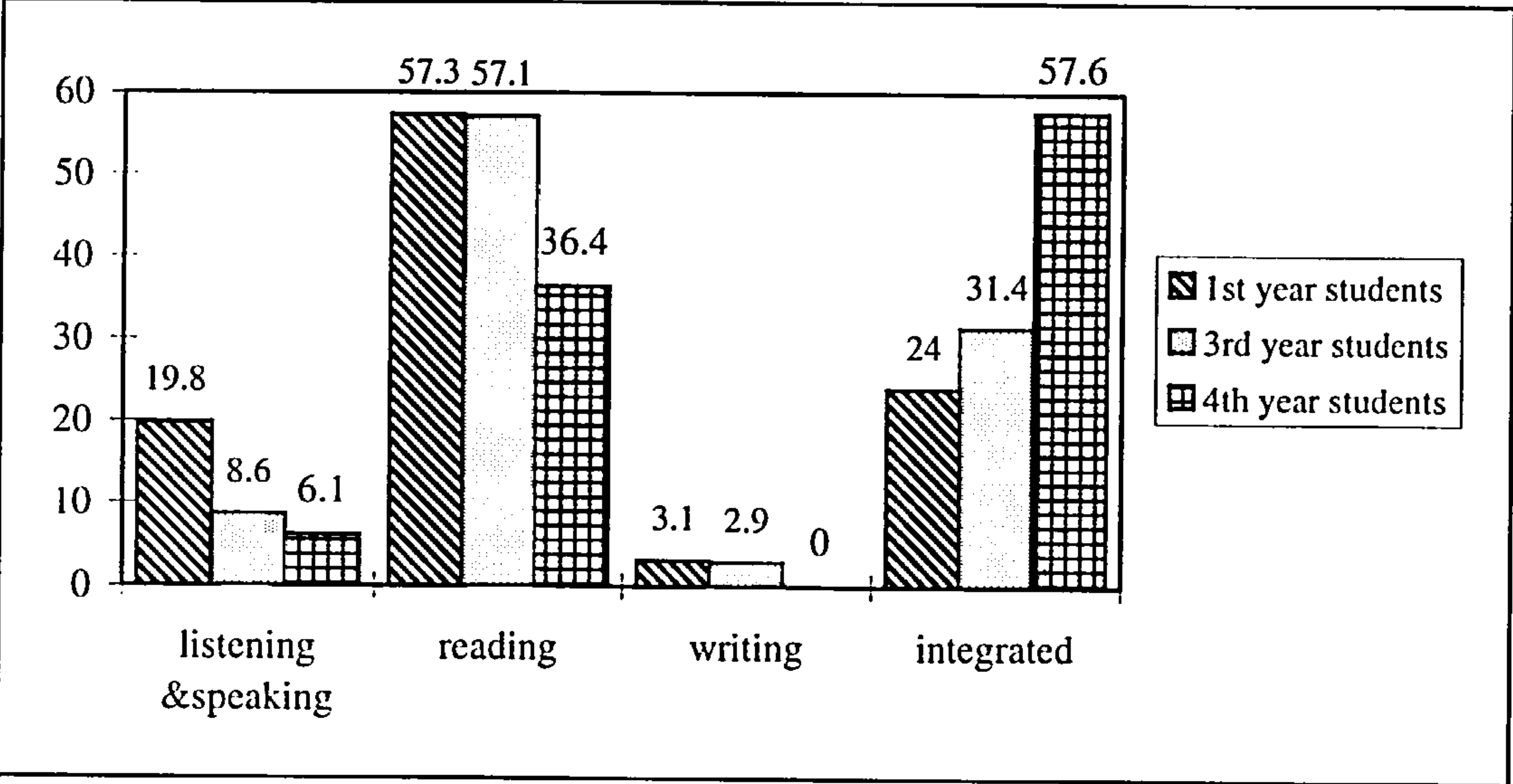
Figure 6.22: Would you be interested in a course in English language for law students?
(SQ.42)



Many students responded positively particularly in Year 4 (56.5%) and Year 1 (57.4%). Some, however, were undecided or negative in their response and further research would be needed to establish the reasons.

From Figure 6.4 (SQ.26: see p.11) we see that the percentage of students' indicating an interest in "specialised courses in legal subjects" is very low: 1st year: 9.8%, 3rd year: 11.1%, 4th year: 10.1%. However, in Figure 6.22 (SQ.42), their negative responses change into positive ones; the results of SQ.42 indicate a much stronger interest (1st year: 79.7%, 3rd year: 87.8%, 4th year: 71.7%). Why does this big difference occur? Probably because it is difficult for students to see the connection between their ordinary English language lessons and legal studies.

Figure 6.23: Which skill might you focus on? [You can answer more than two.] (SQ.44)



Interestingly, according to Figure 6.23 (SQ.44), 53.0% of the students (1st: 57.3%, 3rd: 57.1%, 4th: 36.4%) wish to focus on the "reading skill", and 32.4% of them are interested in "integrated skills". Apparently, students' responses are different from their attitudes toward the ordinary English language lessons (reported in Figure 6.8 and 6.9 above). This difference must reflect EALP (English for Academic Legal Purposes) lessons in a Department of Law in the future. Regarding students' motivation, EALP studies should be focused on.

(2) Reading on legal issues

In the responses to TQ.15: The title of the textbook: Please give the title of the textbook you use for lessons in the Department of Law. Only one textbook on legal issues, which is *Legal Reform in Occupied Japan* written by Oppler,A.C., is used by an English language teacher (Regarding the lists of English teachers' responses, refer to Appendix 6.2). Teachers did not mention the books in English that are recommended reading by the Law teachers (used as the basis of the lexical analysis in chapter 5)

With respect to teachers' interest in English legal books, especially on Common Law, I asked the following questions in TQ.28:

TQ.28: There are many of reference books for studying English/American law, especially Common Law. Have you ever seen, or used such books? (see Appendix 6.2)

Interestingly, 40.7% of English teacher had seen "*Eibeihō-Jiten* (English-American Law Dictionary" written by Tanaka,H. (1991), but only 14.5% of them had used it.

Since this dictionary is written in Japanese, many English teachers may use it. On the other hand, most English teachers had not seen any books on legal English even written in Japanese.

Teachers were asked whether some legal textbooks could be of use for English language teaching The question was asked:

Is the textbook Law Today available in the department? It is outlined below:

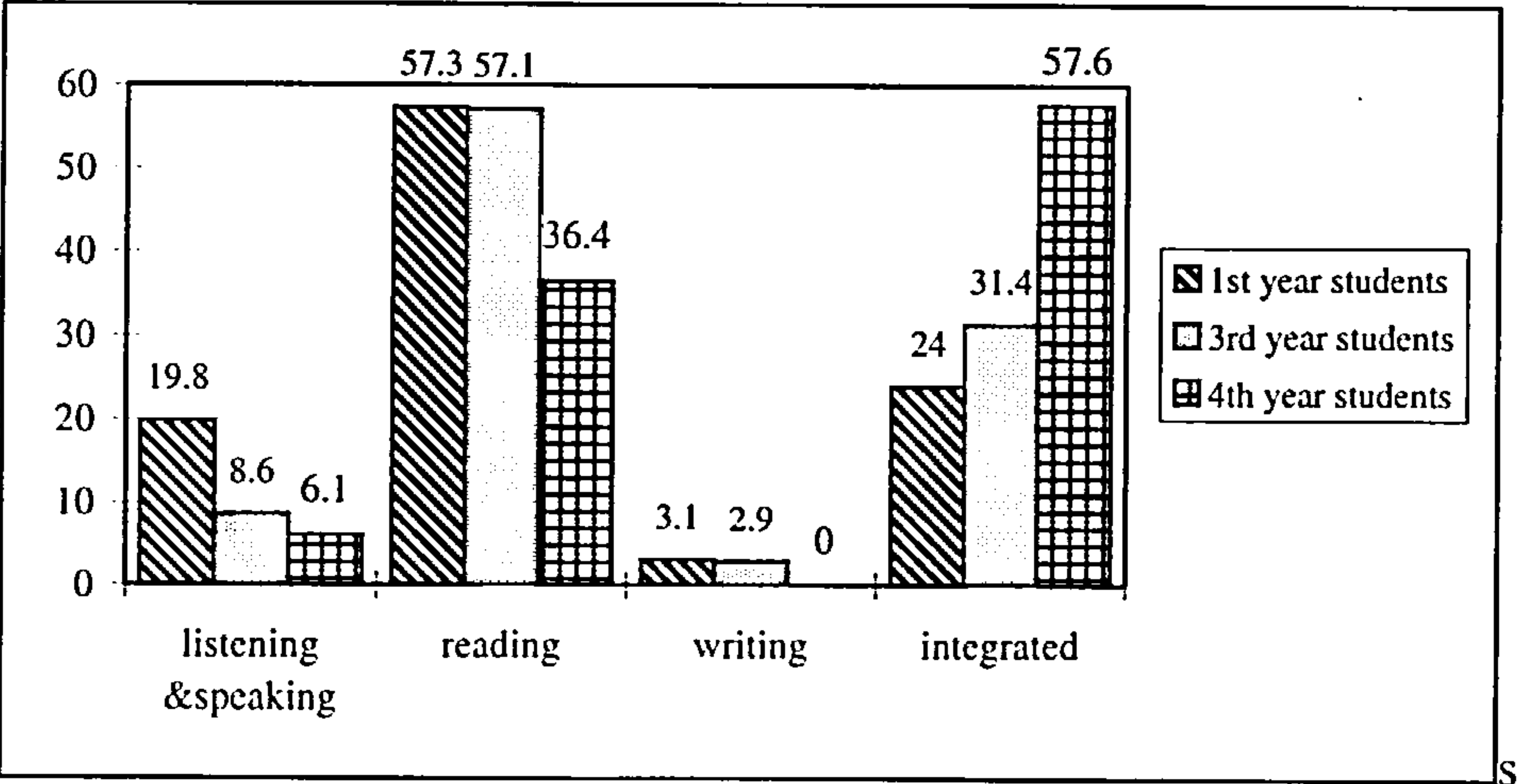
Textbook 1: Law Today

Powell,R. (1993) London : Longman.

Contents:

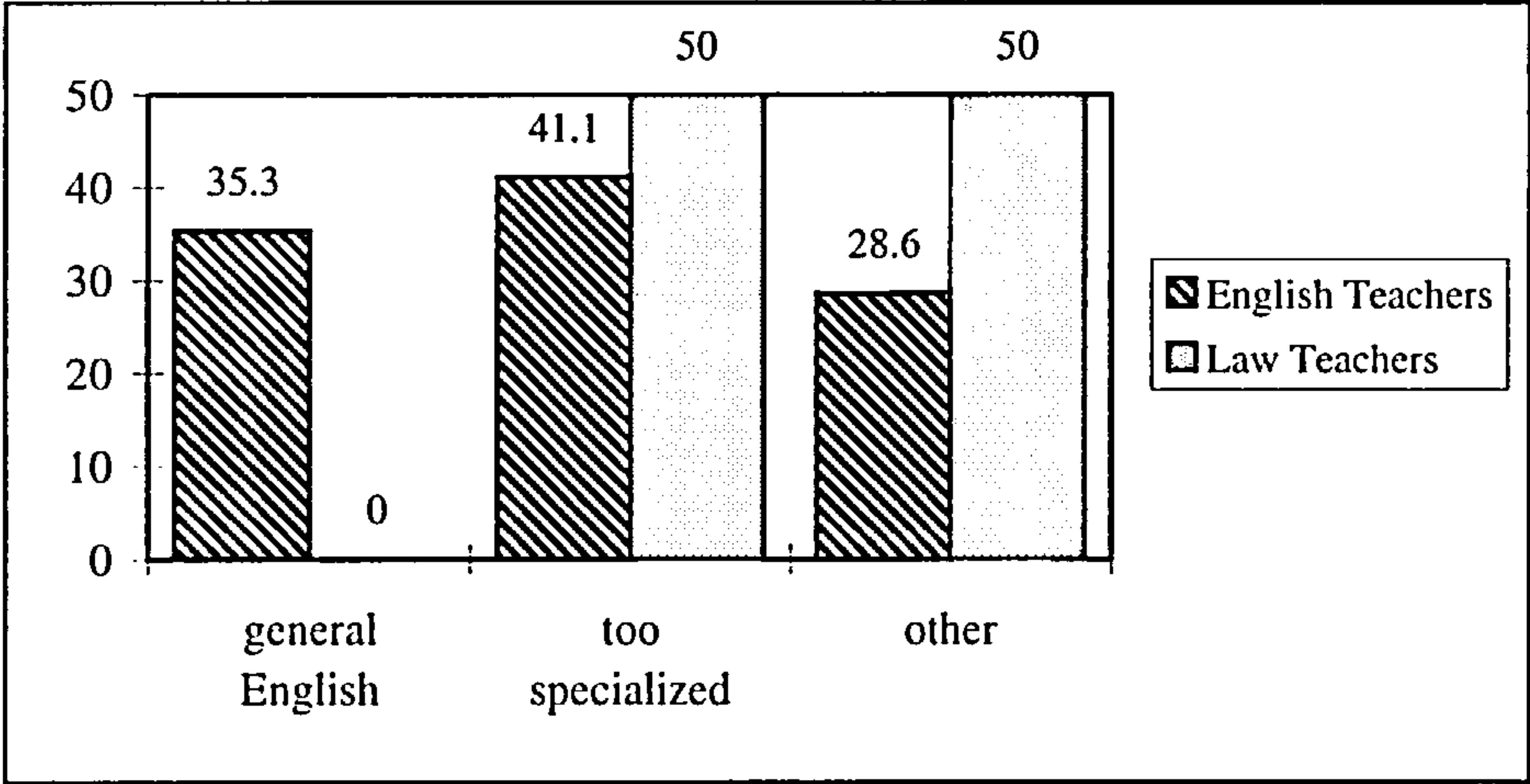
Part One:	General Issues
1	What is law?
2	Sources of modern law
3	Civil and public law
4	Judicial institutions
5	Lawyer at work
Part Two:	Legal Principles
6	Contracts
7	Criminal law
8	Torts
9	trusts
10	Land law
Part Three:	The law in Practice
11	Running a business
12	The law and the family
13	The law and consumers
14	Employment law
15	Intellectual property
Part Four: Law,	Politics and Society
16	Freedom of speech and expression
17	The rights of citizens
18	Human rights
19	Enforcing the law
20	Internationalization of the law

Figure 6.24: Is it useful for teachers of English language to use a book like this? (TQ.29)



From Figure 6.24 (TQ.29), we can see that 62.9% of English teachers and 44.4% of Law teachers are opposed to the use of such a book as the basis for English lessons. The reasons are as follows:

Figure 6.25: Why did you answer negatively?
(TQ.31)



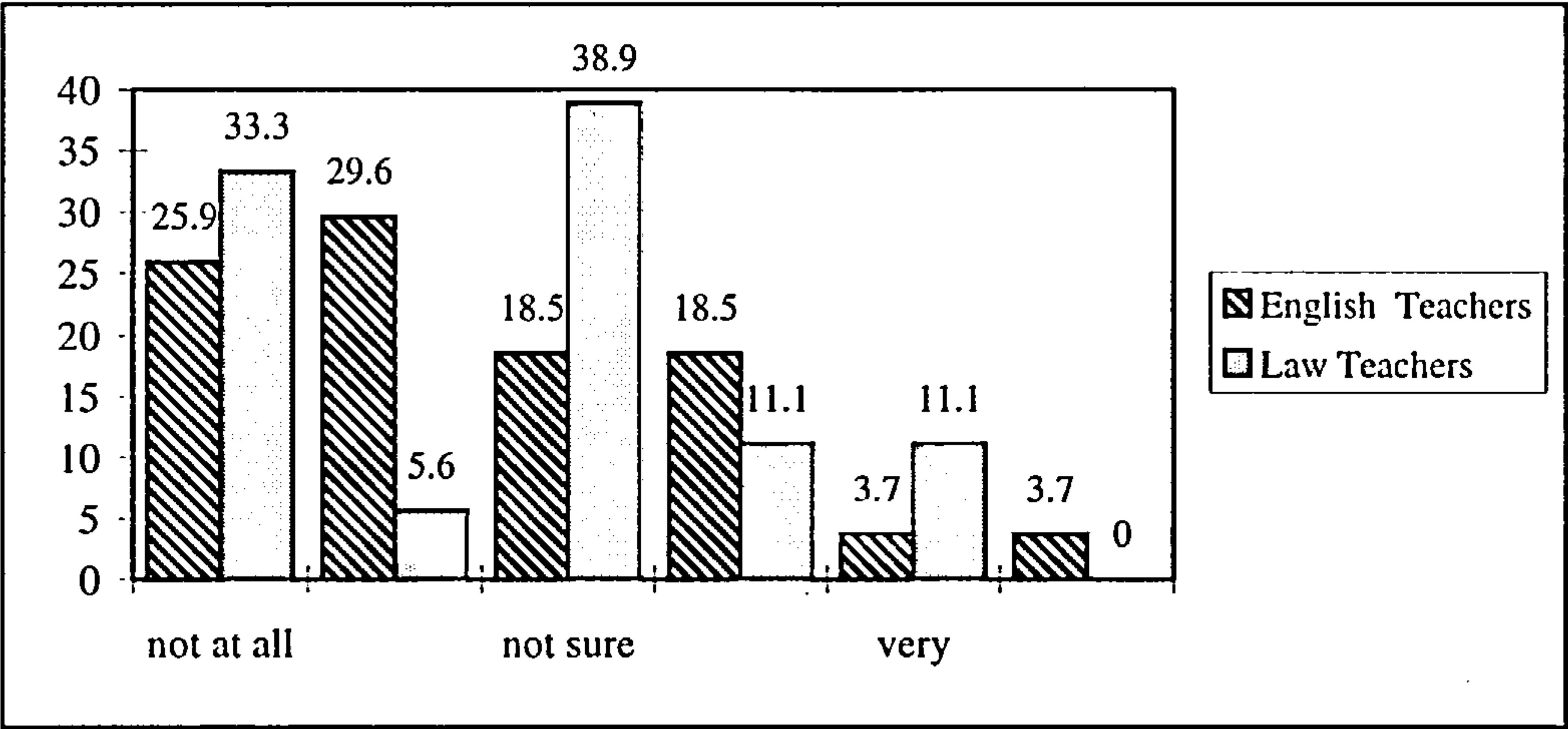
note: (i) general - English teachers should teach general English
(ii) too specialised - The content itself is too specialised
(iii) other

(i) 35% of the English teachers who did not want to use a legal textbook in class, gave, as their reason, the fact that they think students should study general English. In contrast, no Law teachers gave this reason. (ii) 41.1% of the negative English teachers and 9.7% of the negative Law teachers feel that the content itself could be too specialized. (iii) One Law teacher strongly states that English teachers do not have enough knowledge of law to tackle legal texts. On the other hand (Figure 6.24: TQ.29), 11.1% of English teachers and 27.8% of Law teachers recommend the use of *Law Today*. 66.7% of the positive English teachers and 60.0% of the positive Law teachers argue that the textbook should be used for 3rd or 4th year students. Regarding the teacher's knowledge of the law, 54.4% of the Law teachers believe that English teachers need legal training to postgraduate masters level, and surprisingly, 18.2% of them believe that postgraduate doctor level is necessary even for using this basic introductory book.

A very different book, the popular story-style textbook *Point of Law 2* (see Appendix 6.8) was used by an English teacher in the English language lessons in the Department of Law (see 6.2.4). I asked whether the text was available in the department of law.

Textbook 2: *Point of Law 2* (see Appendix 6.8)
Lipman, M. (1971) Tokyo: Nanun-Do.
Sample Contents:
Case of the stolen stories
Case of the contraband camera
Case of difficult doors
Case of the girl with the thousand boy friends
Case of the frigid fireman

Figure 6.26: Is it useful for English language classes to use a book like this?
(TQ.32)



55.5% of English teachers and 38.9% of Law teachers respond negatively to the book. The following is a negative reason given by an English teacher:

'It is not necessary for all law students to have this kind of legal English lesson.'

The teacher seems to misunderstand the question since it goes without saying that every student would not have to study this. One of the negative English teachers comments as follows:

'The important thing is the teacher's speciality. If a teacher has a specialty, he or she should teach this type of lesson.'

A negative Law teacher states:

'The importance thing is language ability, so students can study terminology by themselves.'

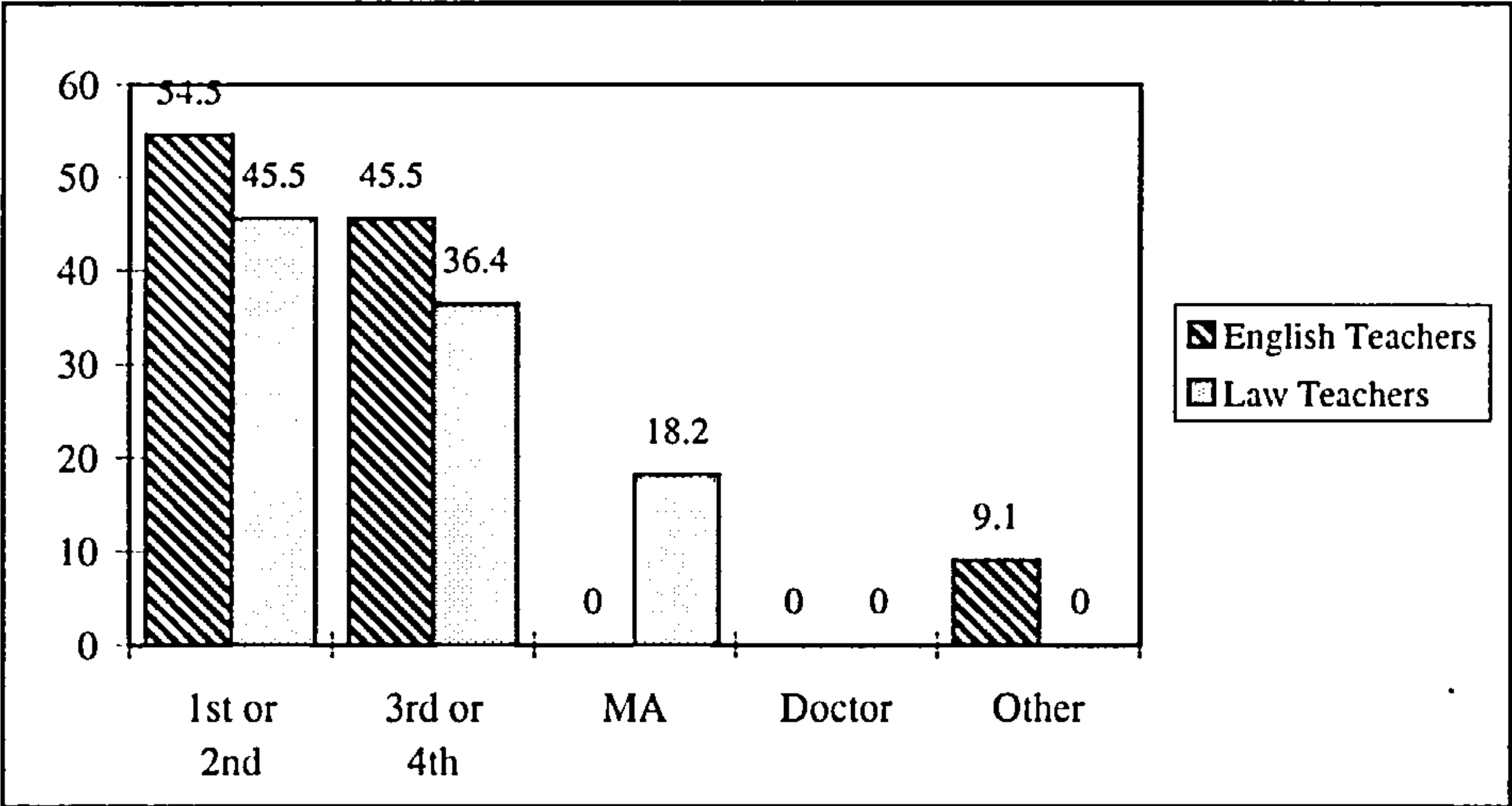
Another negative Law teacher points out:

'The content of this book is not specialized enough.'

In short, law teachers who want legal English taught expect English teachers to teach much more specialized legal language than is found in a book of short fiction with a legal flavour. It indicates some of the very contradictory and complex views as well as the lack of understanding of ESP teaching.

Let us investigate the positive responses (Figure 6.27 (TQ.33A)).

Figure 6.27: When should students use a book like this? (TQ.33A)



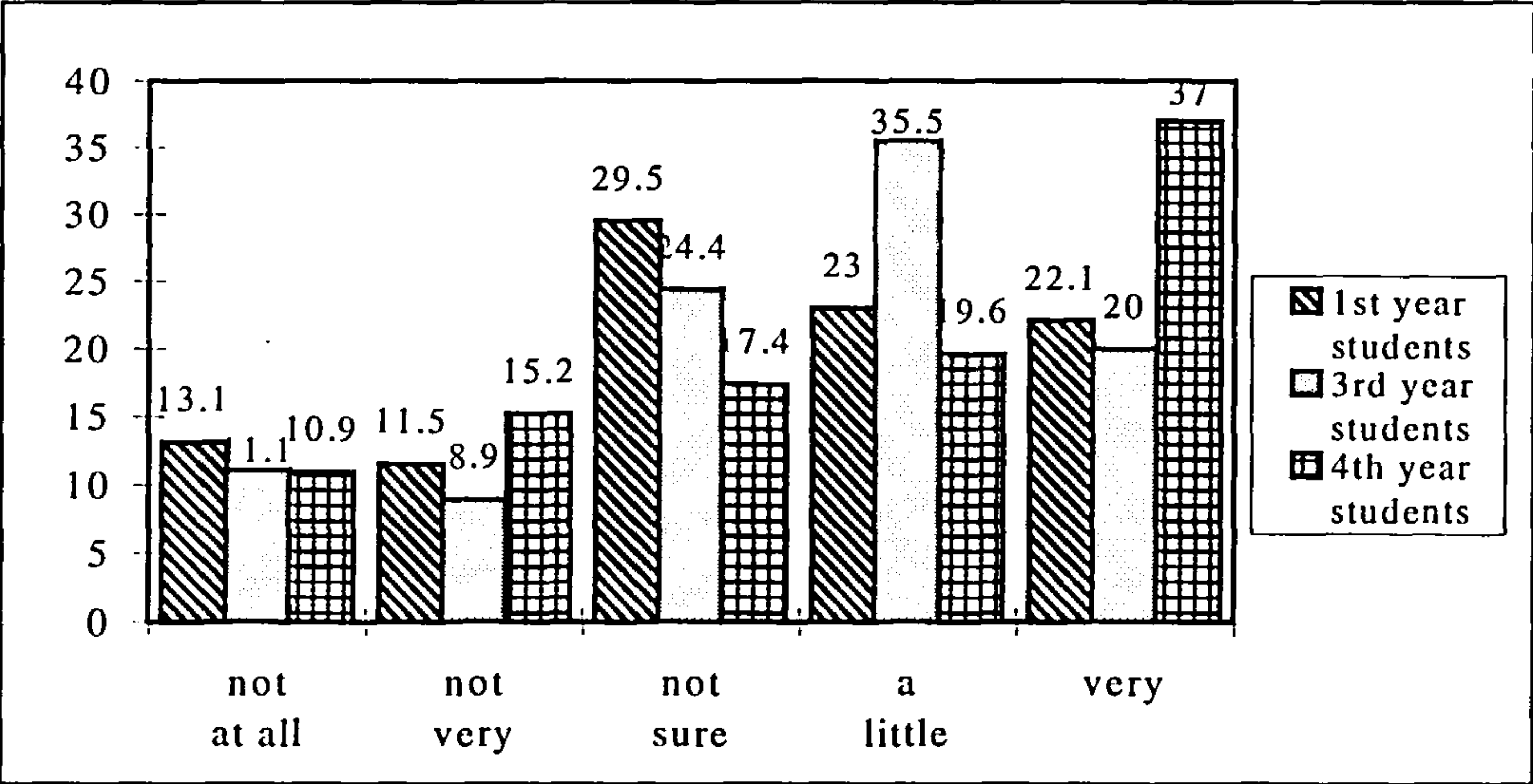
Regarding the level of this textbook, 54.5% of the English teachers and 45.5% of the Law teachers recommend the use of it at undergraduate 1st or 2nd year. 45.5% of the former and 36.4% of the latter consider that the textbook may be appropriate for 3rd or 4th year students.

The teachers were also asked to comment on the following textbook about a legal case:

Textbook 3: Case

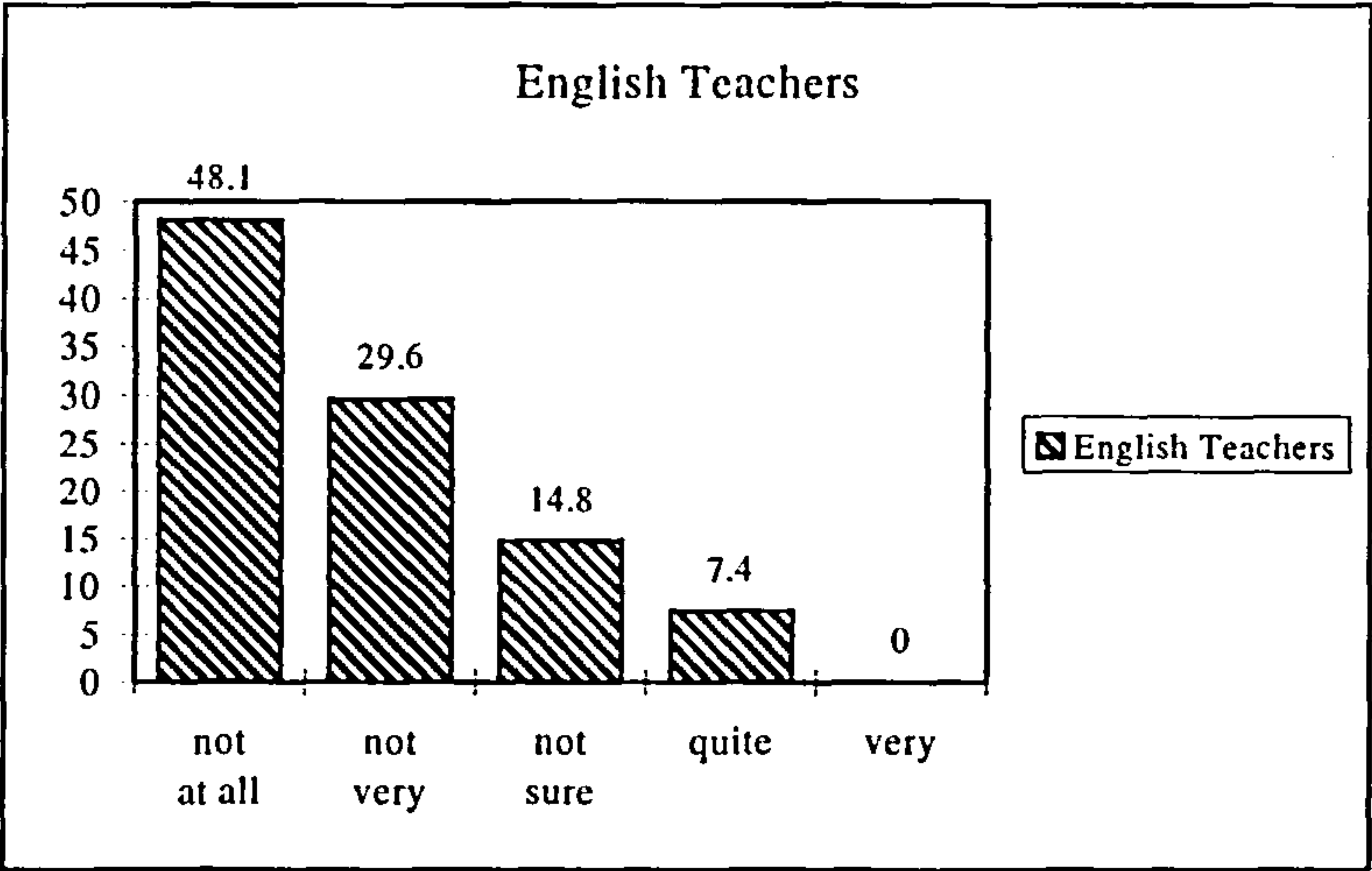
GERMOLUS v. SAUSSER
Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 946.
Sample paragraph:
START, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial, ...
(Hayakawa, 1962:11-17)

Figure 6.28: Would you like to learn the **terminology** from such a text as a part of reading lessons?
(SQ.45)



We can see from Figure 6.28 (SQ.45), that 49.8% of the students (1st: 45.1%, 3rd: 55.5%, 4th: 56.6%) indicate their strong interest. If the neutral responses "I'm not sure" are added, 75.6% of the students might be interested in studying this type of English. On the other hand, according to Figure 6.29 (TQ.35), English teachers were not in favour of book.

Figure 6.29: Is it useful for teachers of English language to use texts like this?
(TQ.35)



77.7% of English teachers state that it is "not useful at all" or "not very useful". Only 7.4% of them recommend the use of this text. One reason given for the negative response is as follows:

'This kind of specialized lesson should be treated in the legal classes.'

Does the teacher think that the Law teachers should teach English? This comment enables us to recognize that there is a clear distinction between the attitudes of students to reading in English in the Department of Law and the attitudes of the teachers. The students are largely in favour of tackling reading on legal issues whereas the teachers do not feel that it is important or interesting. The questions on writing reveal rather different attitudes. Students seem reluctant to try to write on legal matters: may be because they sense their own lack of skill.

(3) *Writing lesson*

Figure 6.30: Are you interested in Writing lesson which might concentrate on assignments, essays, reports, etc., in the legal area?
(SQ.47)

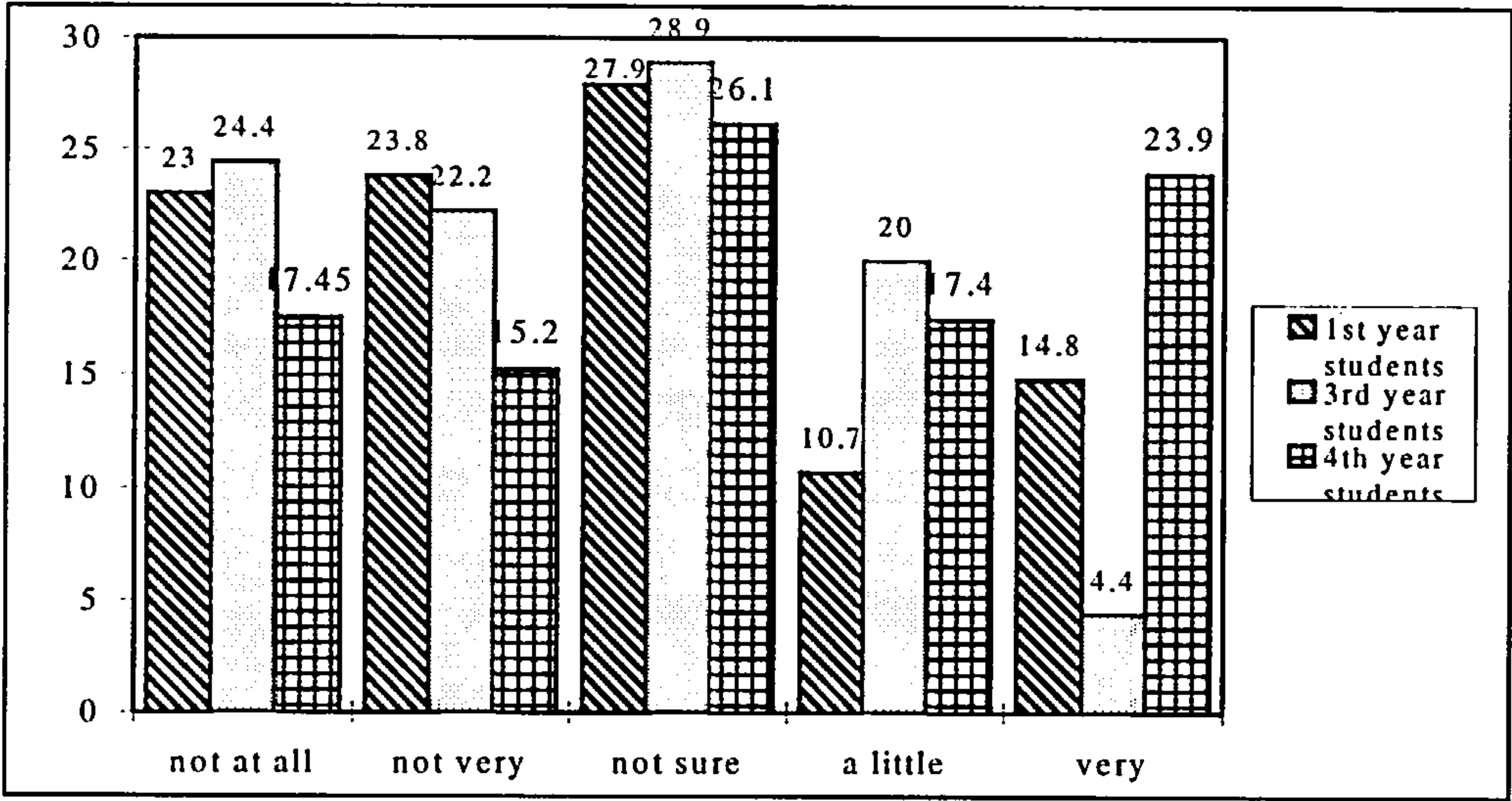


Figure 6.30 (SQ.47) indicates that most students are not interested in writing on legal issues. 43.7% of the students (1st: 46.8%, 3rd: 46.6%, 4th: 32.6%) checked that either they were not interested at all or not very interested. One of the reasons given is:

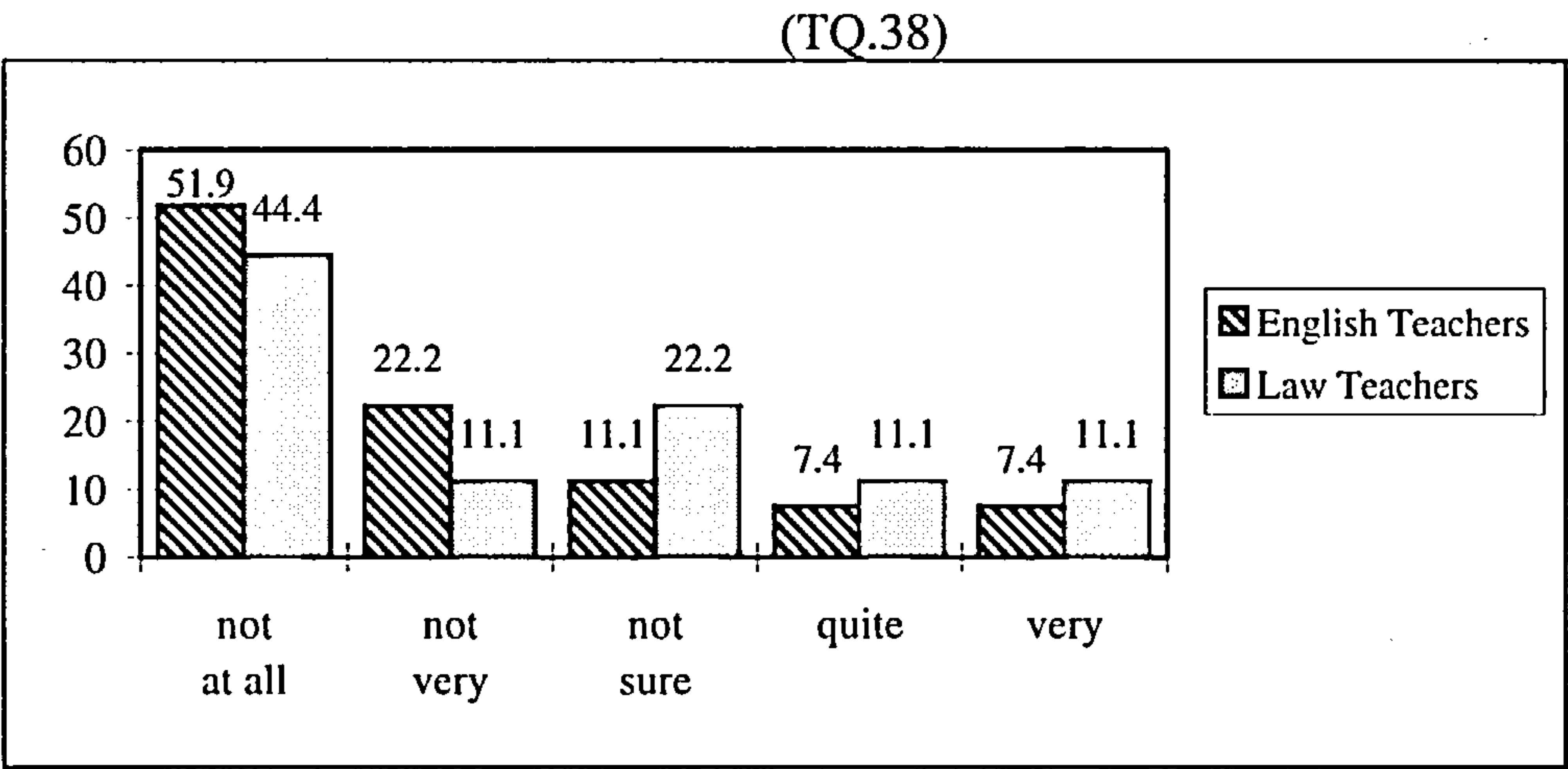
'Compared to other lessons, it would seem to cause lot of pressure.'

However, it is noticed that there is a strong minority (28.7%) of students (1st: 25.5%, 3rd: 24.4%. 4th: 41.3%) who would like this activity because they checked the positive responses 'very interested' or 'a little interested'. In particular, the 4th year's response is very positive (41.3%) This indicates that there is a crucial problem not only in the department of Law, but also in university education. In short, students are not trained in writing skills either in Japanese or in English. Surprisingly and unfortunately, some law students have never written a paper in the whole of the four-

year-university courses. It is certain that the 4th year students feel the lack of writing skills in the area of legal studies, and they would like to express their own ideas. This point should be carefully considered by English and Law teachers in the Department of Law.

Since, in this analysis (and in some other cases) the two positive responses have been grouped together and the two negative responses have been grouped together, the research instrument may be open to question. Why did the question simply not offer these options? The reason for five options is that many Japanese people do not like to express their views very positively or very negatively. Strong opinions are thought to be culturally unacceptable and ambiguity is valued. Five choices allow respondents to select a positive or negative without giving an extreme position. In Japanese the equivalent of ‘a little interested’ seems to indicate ‘interest’.

Figure 6.31: Is it important for teachers of English to teach writing essays or reports which are focused on the legal area?



According to Figure 6.31 (TQ.38), 74.1% of English teachers and 55.5% of law teachers reject writing lessons focused on legal issues. Only 14.8% of English teachers and 22.2% of Law teachers admit the importance of writing lessons on legal issues in the Department of Law. Let us investigate the negative reasons given by English teachers. They write:

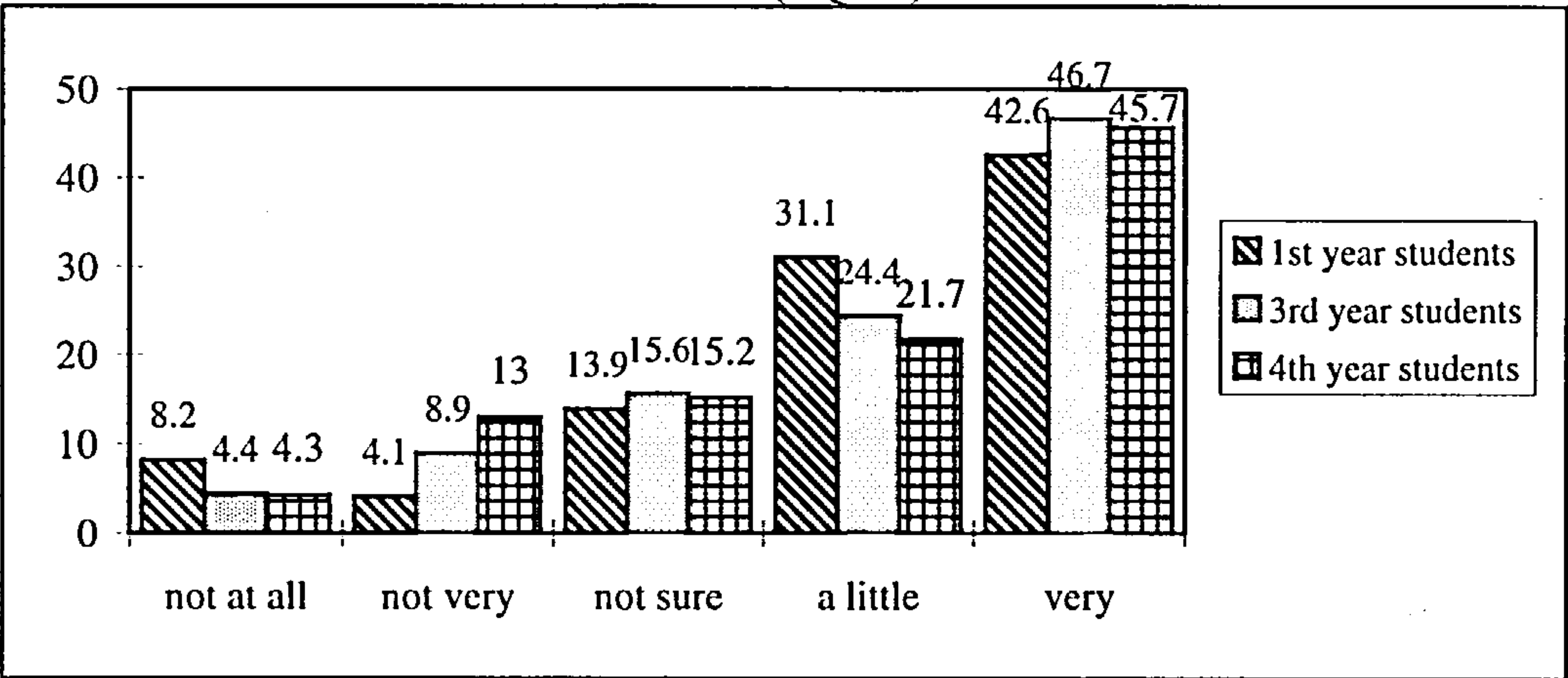
- 'There many more important things to learn.'
- 'The general knowledge of writing some essays should be taught, however, the content itself is difficult to teach.'

The former response seems to be reasonable, but is it really possible to neglect writing altogether? Is it not necessary to prepare a writing course which links with legal issues? The following comments were given by the negative Law teachers:

'In legal education, writing is not necessary,'
'Contracts and torts should be taught on a master course.'

(4) *Listening and speaking skill*

Figure 6.32: Are you interested in **listening** and **speaking** lessons with audio-visual materials?
(SQ.46)

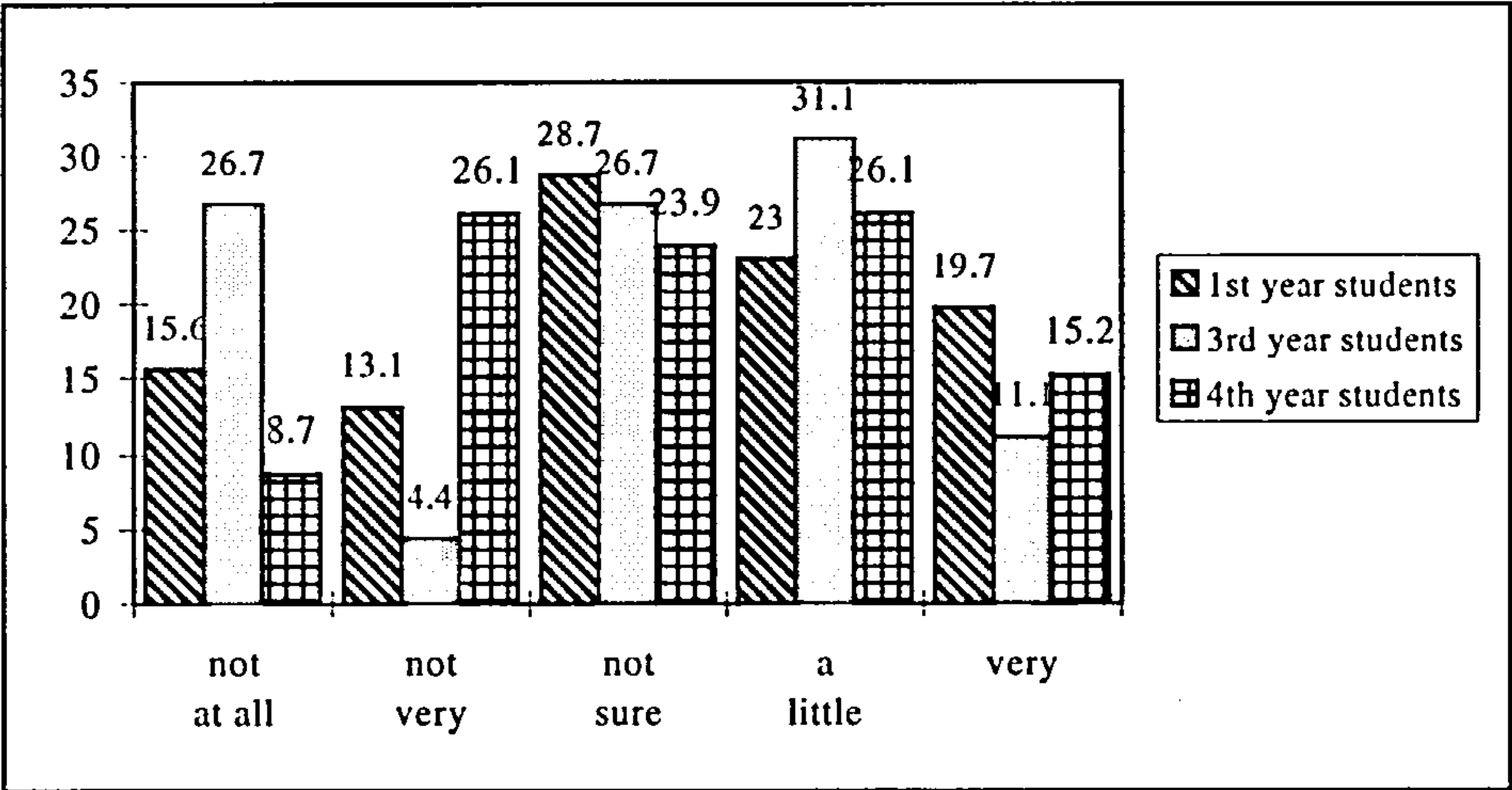


As we can see from Figure 6.32 (SQ.46), 71.8% of the students (1st: 76.7%, 3rd: 67.1%, 4th: 77.4%) are interested in listening and speaking lessons using films on legal issues. On the other hand, only 27.5% of English teachers and 27.8% of Law teachers agree with them. However, the following law teacher's comment should be noticed:

'If law teachers can co-operate with the English teachers, the material itself will be good.'

EALP (English for Academic Legal Purposes) has never been examined in the Department of Law in Japan. It is very difficult not only for students but also for teachers to recognize what the possible content of such lessons might be. Nevertheless, it is apparent that there are students and Law teachers who would be open to EALP in the Department of Law. Figure 6.33 (SQ.50) indicates that EALP will be required in the near future as there are definite trends in this direction:

Figure 6.33: In the near future, would you like to learn English for specific purposes(law)?
(SQ.50)



6.2.4. Ideas and advice for English language teaching in the Department of Law

Both English and law teachers made various suggestions for English language education in the Department of Law. However, in general, English teachers are not willing to teach legal English. In addition, they appear to hold remarkably vague concepts about legal English. Some English teachers regard legal English as a branch of the language while others consider it to be part of the legal studies area or the study of legal books which are written in English.

(1) Negative attitudes to EALP

(A) English teachers

The negative attitudes of English teachers can be broken down as follows:

(i) English as a background knowledge

Many respondents replied that, even if the students were majoring in law, English language education in a university should involve the teaching of general knowledge of philosophy, literature, arts and culture. It seems that they still see a place for Liberal Arts education (see Section 1.3).

'It goes without saying that teachers of English language should teach English to help students with legal studies. However, it is not necessary to teach specialized English. It is better for students to use such materials as *Criminal Justice in Oxford Progressive English Book 3* by A.S.Hornby.'

'Students study English in order to acquire the all-round knowledge for understanding human beings.'

It is understandable that English language teachers without special training will not necessarily wish to concentrate on legal English. Nevertheless, if legal English is an important variety of English, some recognition of this is important in a Department of Law.

(ii) Graduates from the Department of Law

Some respondents said that most students from the Department of Law would not become lawyers, legal officers, or legal specialists (see Section 1.2):

'Most students do not become lawyers or legal officers, therefore, it is not necessary for them to learn specialized English.'

These ideas are interesting but too narrow. Namely, just because some students do not need legal English, should all students be denied the opportunity? Some students will certainly find legal English very interesting and useful, and it may be those who do not specialize but go, say, into business, who will use English more.

(iii) Student's interest

With respect to English language teaching, there were important points made to the effect that teachers should make students interested in English.

'The important thing is to make students interested in English. Students feel that there is sometimes little attempt made to give interesting or useful lessons.'

(iv) Lack of teacher's knowledge of legal field

Some respondents said that they were afraid of teaching legal English due to their lack of legal knowledge:

'it is very difficult and dangerous for English teachers to give specialized lessons, because their knowledge of law might be insufficient, ...'

'it is very difficult for English teachers to teach legal English, ...'

We can appreciate these negative attitudes towards English language teaching in legal fields (see Section 3.4). However, by use of team-teaching or teacher training, these problems could be overcome.

(B) Law teachers

The comments of Law teachers are very different from those of English teachers. They express such views as:

'All teachers should consider whether or not English language teaching in the Department of Law is necessary at all.'

This is a strongly negative idea. I suspect, from discussion, this idea is a common view held by law teachers though no law teacher except one stated it on the questionnaire. As has been stated in Section 1.1, the Japanese legal system is mainly based on a Civil Code, not on Common law. This lecturer stressed that English should be studied only by students who are majoring in Common Law or International Law, indicating that he sees that English should be taught for practical use (see Section 2.3).

(i) Recruitment of the staff

'The current situation will never be changed, specially, the staff being recruited for English language teachers.'

The implication is that English staff are not properly qualified for the job. This respondent stated that even if law teachers hope to recruit specialists in legal English, it is not possible to hire such specialists. There seems to be a high wall between the English teachers and law teachers in the same Department of Law.

(ii) Positive attitudes to EALP

(A) English teachers

The positive attitudes of English language teachers can be broken down as follows:

(i) Dividing English language courses

Many respondents agreed that the legal English lessons should have a place in a Department of Law. Nevertheless, in considering not only the student's language ability but also their limited knowledge of the legal field, legal English language lessons should be prepared initially for elective students only (that is, those who choose the subject):

'Some of the excellent students are willing to study Legal English.'

'Legal textbooks in English are appropriate for 3rd or 4th year undergraduate students.'

'Divide the English language lessons into three types;

- (1) lessons for general English,
- (2) English for specialized undergraduates,
- (3) English for specialized postgraduates.'

(ii) Advice from teachers who have already taught legal English

Two respondents stated that they had already taught legal English in the Department of Law. The following respondent majored in English literature:

'I have already used textbook 2 (*Point of Law*). Some short paragraphs from English newspapers have also been used, especially those connected with law.'

This means that even if an English teacher has not majored in the specific field of law, he/she can try to make classes relevant to law. The challenge seems to attract certain teachers. The other respondent majored in Civil Procedure Code. The teacher is teaching from a very practical point of view (using the USA Constitution). He argues that both English for general education and English for specific purposes are important. The following warning was given by him:

'In recent English language lessons in Japanese universities, there is too much focus on the four skills. However, it might become dangerous to focus on very technical skills.'

(B) Law teachers

Let us investigate the positive attitudes of law teachers.

Law teachers suggested that the EALP courses be considered for some students:

'There might be legal English language lessons for 3rd or 4th year undergraduate students. In addition, we should think about the English of law for postgraduates students.'

'It is very important to divide English language lessons into two types. One is English for the specialized area: lawyers, legal officers, or legal professors. This type of English language should have been focused on up to now. The other is the English lessons for general students who would like to join a company. However, they had better go to a special training school.'

Apparently, neither teacher is in favour of the current situation. The following statement criticises English as general education more radically:

'General English is not necessary. English for law must be concentrated on earlier.'

As a practical procedure, he recommended a plan as follows:

'A teacher who can understand Japanese-Law and Common-Law should be trained (as an English teacher).'

This idea seems to imply that there is no room for the English teachers who have taught general English sometimes for many years in the Department of Law. Of course, this idea needs to be discussed and the attitude understood by English language teachers. Where the law teachers are very critical, compromise must be found and solutions to the problems proposed.

Although, even at a university level, it is apparent that a teacher training system should be arranged, the present situation does not seem to be changing. One respondent advised English language teachers to use materials such as novels that have plots concerned with legal issues:

'A novel which is interesting and has connection with legal issues such as *The Witness for the Prosecution* written by Christy, A..'

His suggestion is one possibility considering the current situation of English language teaching. If a teacher has majored in English Literature and has no knowledge of the law, he or she could give interesting lessons for English studies on the basis of such a book, which might seem attractive to the students.

He continued:

'Even if a teacher has not majored in law, a teacher could teach law theory like jurisprudence.'

This idea seems to be based on the fact that all English language teachers have taken a course in "Legal Study" as one subject of General Education during their first degree. Because all undergraduates students before 1993 had to major in these General subjects, they can appreciate the fundamental theory of law.

Summary

Consequently, there are some characteristic findings from the surveys on English language teaching in the Department of Law, in particular, the study of EALP.

I summarise significant points as follows:

1. Although nearly all the students, English teachers, and law teachers admit that the English language lessons in a Department of Law are important, the objectives of English language lessons are understood in quite different ways.
2. Students and law teachers claim that English language education present time has not been satisfactory owing to such factors as the large size of classes, unskilful methods, inappropriate materials, and lack of agreed standards of English language courses.
3. Students generally give "speaking skills" as their preferred objective, but in the context of an EALP course, they would like to focus on the improvement of "reading skills".
4. There is a unanimous claim that the system of foreign language provision should be revised; in particular, a large number of students request that all language courses should be elective (optional) subjects.
5. Concerning EALP lessons, English teachers fall into two groups: those with positive attitudes and those with negative attitudes. Law teachers also fall into the same two groups. Before the analysis, I imagined many English teachers would reveal negative attitudes toward EALP lessons. The results from

English teachers' responses agree with my expectation. Law teachers' responses, on the other hand, are slightly different from my expectation. A low percentage of law teachers expect English language teachers to teach the language of law in a Department of Law. A typical concern is whether English language teachers could teach EALP appropriately. Law teachers are afraid that, if English teachers are ignorant of the law, the lessons themselves could be harmful to students. If a skilful EALP teacher were to be promoted in a Department of Law, not only law teachers but also English teachers might be able to see the value of such a course.

6. In order to overcome this dilemma, as many law teachers point out, various types of English language courses could be prepared for the students. The EALP course is favoured as an elective (optional) subject. Those who would like to study legal English could choose EALP courses, and those who are interested in skills could choose a skills course. Most significantly, law students are interested in the idea of an EALP reading course using authentic materials on legal issues.

It is apparent that English language lessons could be more valuable than they are. There are many aspects of English for law students that could be developed. Although the ideal English courses for legal studies have not yet been established, we must produce and promote EALP courses in a Department of Law if we want to meet students' interests.

In the next chapter, I will attempt to apply the results of the lexical analysis (Chapter 5) and the findings from these questionnaires to EALP courses in a Department of Law in Japan, taking into account the experience of previous teachers and researchers on ESP and EALP as summarized in the literature review in Chapter 3.

Chapter 7

Application to Course Planning and Teaching

This final chapter makes suggestions for the introduction of some EALP courses in a Department of Law in a Japanese university. I have already reported on the present attitudes to English language Courses(Chapter 6). Here, let us remember Matsuyama's (1993) account of the weak points in English language education in Japanese universities (Section 1.3). According to him, these are the reasons for the poor reputation of the courses:

1. The ineffectiveness of English language teaching in Japanese universities
2. The lack of concern for the students' real English language needs
3. The students' lack of motivation for studying English
4. The poor quality of English language teachers
5. The universities' outdated idea of English language education giving rise to problems such as large class size and the compulsory nature of the course.

This chapter seeks to address these problems in the light of the research reported in this thesis.

In principle, all the subjects, not only the specialized subjects such as Constitutional Law or Foreign Law but also English, should be categorized as legal education. I believe that, in the Department of Law, English language teaching must be included as a part of legal studies. If a consensus is made at a departmental level, all the subjects could have a direct or indirect connection with legal study. This, would, however, present problems for the present teaching staff and, in particular, for those teachers committed to the 'liberal studies' view of English. Thus some compromises have to be made to construct courses which are relevant to students' needs, up-to-date and motivating, and yet can be taught effectively by the present staff.

7.1. The appropriateness of the course design

7.1.1. Principles of course design

(1) The purposes of legal education

Before considering the course design of EALP, let us think about the purpose of legal studies in the Japanese universities since English language courses should be appropriate to the general educational aims of the students. As has already been mentioned (Section 1.2), the study of law in Japan is not only for the training of lawyers. Many Law graduates do not enter the legal profession. What then are the purposes of legal education in the Department of Law?

(A) Cultivating legal minds

Law students must develop the ability to think in legal ways. I think this is a fundamental purpose of legal study in the Departments of Law in Japanese universities. Legal thinking enables students to master the ability to judge issues from an objective point of view. This is quite different from a simple collection of facts and abstract information. The law requires students to consider complex events and opinions logically and objectively. By grasping an issue from a logical and objective points of view, law students should be able to consider controversial issues and to form balanced judgments.

(B) Teaching legal knowledge and its application

In our daily lives, everything can be seen in relation to the legal aspects of natural life in society: family, relatives, schools, public matters, the government's politics, economics and international relations. Law students have the opportunity to learn how the law relates to these issues and how it influences and connects to social life. People can live in their society peacefully because the law is concerned with social events directly or indirectly. In general, graduates from the Department of Law are expected to be persons who have acquired some legal knowledge and are able to apply it to real issues. This is useful in many aspects of daily life for dealing with business issues, social and financial problems and family events.

(C) Training legal specialists

The law degree is the starting point for many professional lawyers, even though those who enter the profession may be in the minority in the department. Regarding legal specialists such as lawyers, law professors, and company lawyers,

every area of legal studies will be significant for these selected few. In particular, a higher knowledge of law is required and these students will go on to further studies at the bar or in postgraduate courses, but the undergraduate courses provide the basis for more advanced study.

(2) Objectives of English teaching in the Department of Law

The syllabus and standards of English language teaching should suit the varied aims and objectives of the Law Department as a whole.

The course structure and design should be made at a Departmental level rather than by each English teacher individually (see Section 6.2.2). The most important thing is that English language courses are prepared for the students who are majoring in law. Furthermore, the courses should be offered to students at all levels, undergraduate (4 years), postgraduate (2 years), and doctoral (3 years) as one law teacher proposed in his questionnaire response (Section 6.2.4). By analysing what types of English ability are appropriate for each year, more suitable courses can be established. Consequently, English language education should not be independently considered by the staff of the English language section. Consultation should take place with the lectures in legal studies, taking into account research into students needs and wants, such as those surveyed as part of the present research.

In particular, as Matsuyama (1993) indicates, ESP (here, EALP) should become the "core" of the English language courses in the Department of Law because EALP may help students to understand their legal fields better. Up to the present time in departments of Law in Japanese universities, the study of writers such as Shakespeare, Lawrence or Dickens has taken central place whereas developing English language skills has not been addressed very seriously. Moreover, English which is specifically related to the topic of study (in this case Law) has hardly appeared at all.

In considering EALP courses in the Department of Law, I would like firstly to discuss some issues of principle and some practical matters:

The materials chosen should be interesting in order to motivate the law students. The results of the survey (Chapter 6) indicate that many students would be interested in texts dealing with legal issues. McDonough (1984:77) expresses the view that "Student's interests and motivation for learning might lead teachers to select popular journalistic material relating the field of study". A law teacher in my survey suggested this point and one English language teacher is now using topics on legal issues from newspapers (see Section 6.2.3).

Secondly, there is strong evidence for the value of using relevant authentic texts. Authenticity, however, is not enough. Texts must also be relevant. Up to the present time, most textbooks in Japanese universities have not been relevant although they have been 'authentic' (see Appendix 6.5). In a sense, the problem is that they have focused on outdated literature from the past. However, by use of authentic texts on *legal issues*, I believe that students' comprehension levels will develop not only in the English classroom but also in the specialised study of law. The teachers should concentrate on the fitness of the reading material for the students' learning process.

As has been stated in Section 2.3, setting proper standards for course objectives is also important. Koike's (1993) and Tajima's (1993) suggestions for standards concentrate on discrete linguistic features and skills. Tajima (1993), for example, sets the targets for acquiring a number of words at each level in reading. Nonetheless, at a university level, I believe that English language teachers should concentrate on making students understand many varieties of language use in their special subjects and on lexis which is relevant to their needs.

Thirdly, in approaching the problems of English language teaching, we cannot clearly separate each element such as teaching methods, class size, or skills. If the class size is cut to less than 20, are the teaching methods going to change adequately? It is doubtful whether the teaching methods will become more skilful simply as a result of a reduction in the class size, because the background of the teachers will not change. It is apparent from Table 7.1 that 64.3% of English teachers have majored in English or American literature and 25.0% of them in English linguistics or linguistics. Only 3.6% of them have majored in English language teaching:

Table 7.1: Teacher's specialty
TQ.5: Recent Graduates (Specialized Area)
English teachers

Respondents	28	
1. English or American Literature	18	(64.3%)
2. English Linguistics, or Linguistics	7	(25.0%)
3. English Language Teaching	1	(3.6%)
4. Comparative Culture, or Comparative Literature	3	(10.7%)
5. Others	3	(10.7%)
Answers	29	

It does not seem to be easy for literature graduates or even linguistics graduates (especially since these have often studied formal linguistic in the USA) to respond to student's expectations. In addition, it is natural that teachers would like to use their specialisation in teaching. They even question why they should be expected to respond to their student's requests for language skills. We recognize that there is a reasonable argument about whether it is desirable to teach basic skills at a university level, but, whatever the course design may be, teaching methods are still important (see Section 6.2.2), and few of the English language teachers are interested in the improvement of methods. The majority of them, however, have never attended teacher training courses, and they do not, unfortunately, have the opportunity to attend in-service teacher development courses.

The system of teacher training needs urgent revision. There are few specialists who could or would undertake the teaching of reading courses with a law focus in the Department of Law. We should urgently prepare teachers who not only have some knowledge of Japanese Law and Common Law but also of English language teaching methods. It would be possible to train such teachers in the Department of Law.

In order to overcome the above problems, I make some suggestion for teacher development in Section 7.2. The next section introduces some ideas for new courses.

7.1.2. Some suggestions for new courses

From the results of the questionnaires (Section 6.2.3 & 6.2.4) and taking into account Shih's (1986) suggestion (Section 3.2.2), different types of EALP

courses should be prepared to suit different groups types of students (undergraduates, postgraduates, doctoral students, returnees, and oversea students). Since students' objectives are different, there is a need for a variety of courses and some opportunity for choice. EALP courses could be prepared for each year and students could select the courses they wish to take.

(1) English as an elective (optional) subject

As the questionnaire reveals (Chapter 6), students and law teachers are often unhappy about the English courses in the Department of Law. The best solution would probably be to make English a completely elective (optional) subject in the Department so that only students who were really interested would take it. However, in Keio University, this extreme solution is not acceptable at the present time, and as is explained in Section 1.4, all students must take at least one course in English. The latest information about English in the Department of Law in Keio University is given in Sakomura (1995), who reports positively on the recent changes, and makes further suggestions for improvement. Since the idea of elective (optional) English courses is not likely in the foreseeable future, a series of choices in course types could be made available. If different types of English courses were on offer, students could select those that they found interesting and teachers could offer areas in which they felt confident. This might motivate students and deflect, in future, the kind of objections revealed in the questionnaires. As we have seen, students do not present a unanimous view of the present course; they differ in their likes and dislikes and providing a choice would be more likely to satisfy everyone's expectations.

(2) New English Courses

In consideration of the English teachers' specialties and students' needs in a Department of Law, and referring to Shih (1986) (Section 3.1.2), we could provide English language courses of the following types: (i) *Literature in English*, (ii) *Cross Cultural Issues in English*, (iii) *Linguistics in English*, (iv) *EALP* (a: Reading in Law, b: Language Use), and (v) *English Language Skills*. This would provide a variety allowing both teachers and students some choice of focus. This should be more motivating than the present system as well as encouraging innovation. The following Table 7.2 is a list of the proposed English language courses:

Table 7.2: English Language Courses in the Department of Law

- (i) Literature in English
- (ii) Cross Cultural Issues in English
- (iii) Linguistics of English
- (iv) English for Academic Legal Purposes (EALP)
 - a: Reading
 - b: Language Use
- (v) English Language Skills

Space prevents detailed discussion of all the proposed courses. Course (iii) would remain an introduction to English linguistics, but lecturers would be encouraged to consider focusing at least part of the course on legal discourse. Course (v) could be developed as standard skills course following a reputable English language course book. Some proposals for the other courses are discussed in more detail in the following sections:

(i) Type 1: The Literature in English

Although the Department of Law in Keio University has already introduced reforms as a result of the 1993 proposals (see Section 1.4), some English and American Literature teachers are still giving lectures in their own special fields (not law) such as Shakespearian drama (taught through Japanese). The teachers believe that this contributes to a good liberal education for students. In order to draw on the skills and interests of these teachers, I propose a literature course in English which would contain two linked components:

- (a) Lectures on literary topics
 - once a week 90 minutes
 - class size: up to 100
 - undergraduate 1st year, and 2nd year
- (a) Reading literature in English
 - once a week 90 minutes
 - class size: up to 20
 - undergraduate 1st year, and 2nd year

The change of focus would centre on the introduction of required reading of original works (not in translation). Literature teachers can still lecture on their own areas of interest to law students. The lectures will be probably given in Japanese, as is the present custom. The reading classes will follow the lectures and require the students to read original samples from the English literary texts *in English*. Although so-called reading courses have existed for a long period in Japanese universities (see Section 2.4), most reading courses have used the *Yakudoku* Method (see Section 2.2). What is important in the new reading courses is that students will improve their reading skills in English and develop aspects of

language use (for example, vocabulary, argumentation, justification of views, giving reasons, and drawing general conclusions, etc.), as a result of exposure to the English language texts. A clear indication of the aims of the literature course would help students to understand why they should read the literary texts in the original English version rather than in Japanese translation. Although the main focus of the course is reading, there would be an opportunity to incorporate other skills like writing (in English) about what students have read, listening to audio-visual materials (films or TV programmes related to the literary topic), and speaking in English.

Regarding the selection of books, English language teachers can freely choose the books from their specialised fields. However, if a literature teacher would like to use a book related to legal issues this might be additionally motivating for students. There follows an example of how a literature in English course might be structured if the focus were on legal issues (e.g. *a Lecture and Reading Course on Legal Issues in Literature*):

If a literature teacher is a specialist on *The Merchant of Venice*, he/she could give a lecture on the legal aspects of the play from a literary point of view. After the lecture, a law teacher could give a lecture on the legal issues in the play from the legal point of view. This type of team teaching might be interesting for both Law teachers and English teachers. As practical examples, I have prepared a list of novels and other works of literature which are concerned with legal issues (See Section 7.3 and Appendix 7.6). Not all of these books are part of the literary canon of English, but all could provide variable reading material. Some are considered to be good modern fiction, others are non-fiction accounts of legal cases. What is important in any reading course is that students will improve reading in English and develop aspects of language use. The apparent indication of the aims of "Lecture and Reading on Legal Issues in Literature" would motivate students and assist them to see English as relevant to their main course objectives.

(ii) Type 2: Cross Cultural Issues in English

Cross cultural issues could be a course based on authentic reading materials of the type that most teachers and students feel that they should be able to read, as was revealed in the questionnaire (Section 6.2.2) Newspapers, journals, films, and TV

programmes were recommended by law teachers to sharpen not only the reading skill but students’ understanding of wider cultural issues. Discussion and debate through English based on the reading and listening would also improve other skills.

(iii) Type III: Linguistics of English

The linguistics of English Course would largely continue as at present, taught by linguistics specialists but they would be encouraged to introduce some work on legal discourse analysis.

(iv) Type IV: English for Academic Legal Purposes

Within the present possibilities in Japanese universities, an EALP course could incorporate two sections: (a) Lectures and Reading, and (b) Language Use. In some years, students could be offered type (a) and in some years type (b).

Tables 7.3 and 7.4 indicate various courses of EALP:

Table 7.3: Lectures and Reading

Course	Target
Characteristics of the Language of the Law (Compulsory)	Undergraduate 1
Reading Courses	From Undergraduate 2, a student can select in any year

Table 7.4: Language Use

Course	Targets
The Language of the Law in English	Undergraduate 1 and Japanese for Returnees and Overseas Students
Understanding Spoken Legal Discourse in Films	Undergraduate 2
Preparation for Common Law and International Law - Written Legal Discourse -	Undergraduate 2
Preparation for Legal Study Abroad	From Undergraduate 3, student can select in any year
Preparation for the Higher Degrees Entrance Exam	Undergraduate 4, a student can select at any year
Writing a paper, or a dissertation in English	From Postgraduate 1, a student can select at any level

Example of Type 4 Lectures and Reading

"The characteristics of the Language of the Law"

As an example, I will describe one of the above EALP Courses in more detail:

"The Characteristics of the Language of the Law", could be prepared for first year

undergraduates. A law student must recognize that he/she will be expected to use English-language journals, periodicals, cases, and specialised books on the student's legal subjects. The topics of each lecture will be selected from characteristics of the language of the law. The course will be composed of; (1) Introduction to the language of the law, (2) Introduction to the analysis of legal discourse, and (3) Contrastive issues (Japanese language of the law).

As an example of (1), the EALP teacher could use my categorisation of the language of the law as an outline for the course (see Section 4.1). There could be lectures on: (a) Lexical characteristics: Special meanings, Law Latin, and Law French, (b) Grammatical characteristics: Conjunction, Prepositions, Text-Referential words, and Simplification and Clarification, (c) Formal Phraseology and Boilerplate language, (d) Abbreviation, (e) Rhetoric and Style in legal texts: Rhetoric, Professionalism, and Flexibility and Precision. All these lectures could be followed by reading classes, which could include the study of the use of legal terms in context. As has been stated in the work in Section 5.2.1, for example, after introducing the special meanings of the words, teachers should be aware that students may not understand the appropriate use of the words without proper training.

As an example of (2), the EALP teacher could give a lecture series on various types of written legal discourse as they have been described by ESP specialists (see Section 4.2.2). EALP teachers can, for example, use Finegan's (1983) findings on reading Wills, and also they can apply Harris' (1989) analysis of the use of Anaphoric Nouns in legal documents. Moreover, law teachers can apply the findings from my own legal lexis analysis such as "legal phraseology" (see Section 5.2.4) to classroom lessons. Before the reading classes, English teachers could analyse the typical collocational patterns in the targeted legal textbooks by use of the procedures which were demonstrated in Section 5.2.4. The list of legal phrases on the legal textbooks would help students to read their legal textbooks. Special attention can be paid to help students cope with new lexis in their textbooks. Alternatively, where appropriate technology is available, students could analyse collocational patterns themselves (as has been suggested by Johns 1986).

As a method for teaching vocabulary, Bramki and Williams (1984) suggest that foreign language reading teachers should help students acquire appropriate strategies for recognizing the meaning of a term in a text. They believe that 'lexical familiarization' is an appropriate and valuable strategy in reading specialist texts. The purpose of 'lexical familiarization' is to help the reader work out for himself the meanings of the terms concerned. They indicate four stages in lexical familiarization: a pointing-out stage, a guided stage, a semi-guided stage, and an integrated stage. In particular, the 'pointing-out stage' is very important, and teachers must provide students with many examples of the way that writers explain specialist terms in text. They claim that students can:

- (a) become more aware of the fact that the text already contains a considerable amount of assistance with new terminology since writers often explain the meaning of words
- (b) acquire familiarity with typographic styles
- (c) become aware of the signalling devices employed by familiarizations
- (d) learn that assistance with the meaning of the newly-introduced terms occurs (usually) in the company of signalling and typographic clues

After this pointing-out stage, students can mark the text with the assistance of the teacher. In the third stage, students can mark the text themselves simply by asterisking the margin where a familiarization occurs. In the final stage, students can integrate the newly-acquired vocabulary recognition strategy with reading-for-meaning strategies in general. Hence, language teachers can help students find the meaning and use of the lexis in the context of their textbooks.

Special attention would also be given to the understanding of the different meanings of so-called 'equivalent' words in English Law and Japanese Law. As has been explained in Section 2.2 and 4.3, students must understand the difference between the English legal words and the translated legal words in Japanese from the beginning stage of legal study. Thus, I recommend that teachers should encourage students to use English Law dictionaries, Japanese Law dictionaries, and English-Japanese dictionaries in their reading classes (see Section 5.2.2), and train students to use them properly. I prepare an example of (3) in Appendix 7.2.

The style of this course would incorporate lectures and reading lessons, which can be prepared for the first year students and some second year students. For example, students would take a lecture on the language of the law one day a week. The hundred or so students from the lecture session would be divided into

five classes for the reading lessons. A course specification sheet (available for students to see before they elect for the course) could be as follows:

1. Title of the course:

"The Characteristics of the Language of the Law"

2. Condition:

twice a week 90 minutes

1st year students, or 2nd year students (who did not select this course at 1st year)

one is a lecture 20 lectures per year, the other is a reading class 20 lessons per year

2 assignments: once per term

No examination:

class size: up to 100 (lecture)

up to 20 (reading lesson)

3. Objectives:

In order to develop understanding of written and spoken language of the law the following objectives are set:

- (a) to introduce various types of legal discourse
- (b) to recognize the characteristics of English legal discourse,
- (c) to analyse authentic legal discourse through the text, and
- (d) to compare English legal discourse with Japanese legal discourse.
- (e) to understand the difference between English legal terms and the translated Japanese legal terms.

4. Textbook:

Textbooks to be used in the first part of the lecture course are:

Russell, F. & Locke, C. (1992) *English Law and Language*. London: Cassell Publishers Ltd.

Riley, A. (1991) *English for Law*. London: Macmillan Publishers Ltd.

5. Course Outline (lecture & reading lesson):

The following gives the main outline of the lecture course on the Language of the Law:

- Unit 1 Introduction to legal discourse analysis- Relationship between legal study and discourse analysis -
- Unit 2 Identification of Legal discourse analysis- Genre-based legal discourse categorisation -[Written and spoken legal discourse]
- Unit 3 Difference and similarity between English and Japanese legal language - difficulty in studying foreign laws through translation -[e.g. the significant difference in "contract" and "*keiyaku*"]
- Unit 4 Linguistic aspects of Japanese legal language - The birth of new Japanese legal language in the Meiji Era -
- Unit 5 Written legal English (1) - the characteristics of the language of the law -[Mellinkoff's categorisation (i)]
- Unit 6 Written legal English (2) - the characteristics of the language of the law -[Mellinkoff's categorisation (ii)]
- Unit 7 Written legal English discourse analysis (3) - the analysis of statutes (i)

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- Unit 8 Written legal English discourse analysis (4) - the characteristics of the statutes (ii) -
- Unit 9 Written legal English discourse analysis (5) - the characteristics of legal cases (i) -
- Unit 10 Written legal English discourse analysis (6)- the characteristics of legal cases (ii)-
- Unit 11 Written legal English discourse analysis (7) - the characteristics of legal issues in academic articles (i) -
- Unit 12 Written legal English discourse analysis (8) - the characteristics of legal textbooks -
- Unit 13 Written legal English discourse analysis (9) - the characteristics of other legal texts
- Unit 14 Spoken legal English discourse analysis (1) - Introduction to Speech Act Theory -
- Unit 15 Spoken legal English discourse analysis (2)- the analysis of legal speech acts (i) -
- Unit 16 Spoken legal English discourse analysis (3) - the analysis of legal speech acts (ii) -
- Unit 17 Spoken legal English discourse analysis (4) - the analysis of legal speech acts (iii) -
- Unit 18 Contrastive analysis with Japanese legal discourse (1) - the analysis of written Japanese legal discourse
- Unit 19 Contrastive analysis with Japanese legal discourse analysis (1) - the analysis of spoken Japanese legal discourse -
- Unit 20 Review of the course.

6. Activities:

Each of the lectures would be followed by reading classes.

(i) Before the lesson:

For each reading class, a teacher would select authentic texts worthy of study and analysis and distribute them. Students would read them and prepare the content before the reading classes.

(ii) During the lesson:

In class the teacher can give the class activities requiring *information search* and *information transfer* (as pair work) based on the texts. The activities could be content focused (TAVI after Johns and Davies, 1983) or language focused (TALO), possibly using computational analysis, or a mixture of the two.

(iii) After the lesson:

If a student is interested in legal discourse analysis, he/she can select a method and texts and prepare a written assignment (once per term).

7. Assignments:

Concerning the theme of the assignments, students could be given a topic at the end of each term. They would have to submit the assignments on the first day of the following term. Students can select assignments of either 1000 words in English or 4000 characters in Japanese. The EALP teacher would indicate the regulations for written assignments before the end of the term and give advice on format, language and content.

Example of Type 4.(2): Listening and Speaking on Legal Issues

Film and video would be used as a resource for "Listening and Speaking on Legal Issues". There are a lot of useful films which are connected with legal issues. The main aims of this course are (1) to make students consider issues from a legal point of view, and (2) to appreciate the characteristic of spoken legal discourse through films. Through listening to, or watching films, law students should learn to understand some types of language use on legal issues.

For example, before watching a film such as *The Verdict*, an EALP teacher could give a brief explanation of the characteristics of spoken legal discourse in court in the USA. As Bulow-Moller (1990) states (Section 4.2.2), three types of question are used by a prosecutor: (1) Field, (2) Fence, and (3) Corral. The defence, on the other hand, uses three different types of question: (1) Wide-Shot, (2) Feint, and (3) Lasso. Students can be directed to look for examples of each type of spoken question in the court scenes. Students will concentrate on watching the films, and attempt to extract the applied examples of, say, Field from a scene of the film. This is not a proposal for students to watch films on legal issues for hours. Students can watch the films at home on video, but appropriate scenes can be played and re-played in class. On this course, EALP teachers should encourage students to notice how spoken discourse proceeds in court, and to consider why a defence attorney uses particular types of discourse such as Lasso questions (see Appendix 7.1).

As a resource for this course, I have prepared a list films on legal issues (see Section 7.3).

Example of Type 4.(3): Lectures and Reading. Reading on Legal Issues

A collection of good reading materials would be needed or teachers could use readings from existing legal English course books (such as Riley's *English for Law* or Russell's *English law and Language*). There are a lot of useful books, journals, and newspapers which are connected with legal issues from which resources could be drawn.. In the research reported in Section 6.2.3, a book "Point of Law, Vol.1 and 2 (see Appendix 6.8)" was introduced to English teachers and law teachers in the Departments of Law. One law teacher criticized the book for not being sufficiently specialised. Nonetheless, I believe that such books are worth reading if only as a basis for comment, argument and discussion.

Reading on Legal Issues

Appendix 7.4 introduces the English translated version of "A comparative view of legal Japan and the United States". This could also be used for Reading Legal Issues, Legal Discourse Analysis, for Common Law Study and International Law Study. This article was originally written in Japanese. From the findings of the Questionnaire Analysis, Law teachers would expect EALP teachers to use this level of materials in EALP lessons (see Chapter 6). Nonetheless, as Hutchinson and Waters (1987) warn, inexperienced EALP teachers may not be able to use highly specialised texts. The level of textbooks must correlate with students' learning levels as well as with teachers' knowledge of the law. To some extent, texts of this type could be used on a trial basis.

Example of Type 4.(5): Language Use

"Legal Discourse Analysis for Common Law and International Law Study (including Presentation)

Here, I introduce some suggestions for **Language Use**: Undergraduate 1st and 2nd year students decide to "major" in *Common Law* or *International Law* in their specialised study. As a preparation for the study of Common Law and International Law, the students should read some specialised textbooks using the legal phrasal lists and legal terms lists which were delivered in the Lectures and Reading Course. This course is tightly connected with the Lectures and Reading Course.

The topic of the academic presentations would be focused on the future study field: Common Law or International Law. A possible course outline follows:

1. Title of the Course:

"Legal Discourse Analysis for Common Law and International Law Study (including Presentation)"

2. Conditions:

twice a week 90 minutes)

2nd year students who finished majoring in Lecture and Reading in 1st year, and those who will major in Common Law or International Law in their specialised study.

2 assignments: once per term

1 examination:

class size : up to 15

3. Objectives

There are two main purposes of this course (90 minutes: twice a week). The first is to make students familiar with the type of legal discourse in English which will be used in the study of Common Law and International Law. The second is to help students to develop their communicative skills. The course is based on a selection of texts in English from contemporary research in Law. Each lesson aims to provide an understanding of language functions, vocabulary and grammatical features in relation to the texts and to give students an opportunity to practice listening, reading, speaking and writing.

In order to give an oral academic presentation in their fields (law) in English, students must a legal topic in Common Law or International Law, select authentic relevant reading materials, investigate them, make a presentation based on them, and lastly produce a written paper. This presentation course is also a preparation stage for the specialized study of law in 3rd or 4th year.

4. The content of the course:

This course includes the following key elements:

The first aim is to provide the chance to study aspects of the texts: lexis, grammar, functions and so on.

The second is to teach how to conduct research through English in students' specialised fields (the field of Common Law, or International Law in English): collecting data, paraphrasing topics, summarizing them, organizing for

presentations, giving a presentation in English, and re-writing the contents in an academic style. In particular, through this research, teachers can help students to approach the structure of writing by the considering following questions which are given by White and Arndt (1991:79):

1. Why am I writing?
What do I hope to achieve by writing?
Do I want shock? persuade? criticise? entertain? inform?
2. In view of my purposes, is there any particularly important, significant or interesting idea which I need to get across?
3. Can I see how all my order ideas relate to this idea?
4. How shall I deal with this key in my texts; start off with this idea? save it for last? lead up to it gradually? recycling it in various guises throughout?
5. Will the reader expect me to arrange the information in a certain way?
6. If so, shall I comply with this expectation, or deviate from it? Which approach will have the greater impact?

Example of Type 4.(6): Language Use

The Language of the law in English and Japanese for Returnees and Overseas Students

This is a course which would require a team-teaching between a subject teacher and an EALP teacher. In Section 3.1.2, I reported on the innovative work of Johns and Dudley-Evans (1988). Theoretically the idea of co-operation in teaching is possible and sensible. Practically in Japan, there is a still high wall between Law teachers and English teachers, but, although these difficulties in university education remain, some meaningful team-teaching could be developed. The legal lecture course of "Jurisprudence (*Hogaku*)" is compulsory in the Department of Law in Japan. In Keio University, every 1st year student has to take the course in "Jurisprudence" (90 minutes, once per week). Some returnees and overseas law students often face difficulties in this subject. This EALP course would not only be suitable for them, but also for students who would like to read "Jurisprudence" in English to supplement the course in Japanese. A course outline follows:

1. **Title of the course:** The Language of the Law in English and Japanese for Returnees and Overseas Students
2. **Condition:**
 - twice a week 90 minutes
 - 1st year students (returnees or oversea students who are not good at Japanese)
 - no assignment
 - no examination
 - class size: up to 15

3. Objectives:

- (a) to summarise the previous "Jurisprudence" lesson in Japanese,
- (b) to read the main issues of Jurisprudence in English,
- (c) to summarise the course in English

4. Course Design: (follow the "Jurisprudence" lessons)

5. Activities:

(i) Before the lesson:

An EALP teacher has to take "Jurisprudence" lectures with law students and to summarise the main theme of each lecture which has previously been given in Japanese by a Law lecturer. The EALP teacher meets the "Jurisprudence" teacher before the EALP course to collect information on the lectures as well as textbooks and reference books. Of course, it is required that the EALP teacher should have already acquired a highly specialised knowledge of this aspect of the law.

(ii) During the lesson:

The activities are mainly focused both on reading and writing, in particular, summarising the content of the lectures. As has been stated, some Japanese students can find it different to express their ideas positively and appropriately. In order to make an effective presentation, summarising texts is a significantly important skill. During the second lesson in the same week, students will read about the same or a similar topic written in English. With the assistance of this support, returnees and oversea students should understand not only the content of the lectures of "Jurisprudence", but also improve their use of legal language in Japanese and English.

(v) Type 5: English Language Skills Course

According to students' levels (see Section 6.2.2), this course would be prepared by EAP/ESP specialists in reading, writing, listening and speaking. Each skill could be handled separately or an integrated skills approach could be taken. This course is prepared for students who want to sharpen their communicative skills, or for students whose skills are significantly at a lower level. It aims to help students to use the language for specific communicative tasks. A teacher can select source materials (Listening texts for example) from a variety of fields, law, business,

social studies, and so on. The important point is to make students work at practising their communicative skills.

In the next section (7.2), suggestions are made for teacher development.

7.2. English language teacher development in the Department of Law

Since we clearly need to consider expanding the skills of the teachers, I will now briefly discuss proposals for teacher development.

It has been suggested that an ESP teacher training system would involve developing the understanding that an English teacher has of the knowledge of the special subject, such as law (Section 3.4.2). Concerning this point, Pholsward and Allen (1988:71) argue as follows:

It is sometimes suggested that the subject specialists themselves should be trained to teach EAP courses, the assumption being that they would be better able to cope with the content area. Unfortunately - or otherwise, depending on the point of view - it appears that this is not a practical proposition. Even if we succeed in finding enough subject specialists who are prepared to teach language, we would still have to provide them with training in linguistics and classroom methodology.

They recommend that the best approach is in-service training in the content area for language teachers with the assistance of subject specialists. Although their argument seems to be appropriate for Japan, it is doubtful whether language teachers would be willing to acquire the necessary knowledge of law. The fact is that in Japan, it would be much easier to find language teachers from among interested graduates from the Department of Law since, as is explained in Section 1.2, few of these graduates will find work as legal professionals. These potential teachers would already have a firm grounding in legal studies and applicants with reasonably good English could be selected and trained as teachers. It might also be more motivating for law students to learn English from a subject specialist who has learned effective English teaching methods. Hence, I recommend that law graduates should be trained to become EALP teachers. Of course, EALP specialists must understand how to read and analyse English legal discourse. At least for one year, the law graduate would need to study the basic principles for ELT, and would need to develop his or her own skills in English.

Pholsward and Allen's idea is also worth considering. We could take up their suggestion that English teachers should be trained in Law by applying

Wilson's (1986) suggestion of "in-service teacher training" for EALP. In particular, at an individual level, the opportunity could be provided for team-teaching and lesson observations. This suggestion seems very useful because at present neither English teachers nor Law teachers could have the opportunity to observe lessons conducted by skilful teachers.

I believe that for at least one year, a new English language teacher could be expected to attend the basic courses in subjects such as Jurisprudence, Constitutional Law and Common Law to gain an understanding of basic law. In addition, at a departmental level, a new EALP teacher could have the opportunity to participate in seminars, workshops, or informal discussions with law teachers. This requirement would encourage applications from the right type of English teachers, - those who are interested in extending their knowledge of specific language use and would help EALP teachers to gain an understanding of what types of language lessons would be useful for Law students.

The Revised Standards for College and University Education (1991) given by the Ministry of Education only indicates that each university should re-consider the objectives of its education. The suggestion is so abstract that many universities cannot find a direction for either their syllabuses or for teacher development. Although it may be difficult to establish these teacher training systems, we have to consider what types of teacher training will be appropriate in promoting EALP specialists in Japan.

In Section 7.3, I consider the provision of resources for EALP courses.

7.3. Resources for EALP Studies

If the Department of Law is to develop in the ways suggested above, it will be important to make a collection of useful resources for legal English and for improving communicative skills. As part of this research, I have identified a list of various resources which could be used to support the courses outlined above (see also Section 6.2.3).

As far as I have been able to ascertain, there are only two major course books on legal English (for non-native speakers) that are in print in UK at the time of writing: Riley (1991) *English for law* and Russell (1992) *English Law and*

Language (see Appendix 7.5 and 7.6). My list includes these books and other resources as well. Some of the suggestions are those of Williams's (1971), but I have omitted books for which Williams gave incomplete references and other works which are out-dated or difficult to obtain. The list I have identified can be seen in full in Appendix 7.6. It consists of resources in the following areas:

- CD-ROM materials (1)
- Legal textbooks (10)
- Films available on video with a legal focus (7)
- Works about Shakespeare's use of legal issues (4)
- Fiction with a strong legal theme (10)
- Collections of accounts of trials and cases (3)
- Biographies of legal figures (7)
- Collections of essays on legal matters (1)
- Works on legal history (3)
- Works on consitutional law (1)

Conclusion

This chapter has made tentative suggestions for a new approach to English teaching in the Department of law at Keio University. This fits in with the revised structure of language teaching in the department and should suit the different specializations among the language teachers. The main recommendations are for the introduction of an elective element into the courses so that students can select the type of work that interests them. The new programme would retain some of the traditional elements but also include courses with more of a communicative language focus, particularly in English for Academic Legal Purposes. New courses could be introduced on a trial basis and we would be able to see whether or not students were attracted to this type of language study or not. This chapter also consider options for teacher development and for possible in-service training for ESP teachers.

In the final Chapter, which is little more than a postscript, I consider possibilities for further work relation to the topic of this thesis.

Postscript: Suggestions for Further Development and Research.

Implementing the new courses

The aim of this research was to identify what types of English language courses could be introduced for law students in the Departments of Law in Japanese universities. In the last chapter, I proposed a new approach to English language courses to include elective components and new courses, including courses in Academic Legal English.

When new courses are introduced, a process of evaluation is necessary. In order to evaluate a course, it must be clearly described with a proper syllabus which sets out the objectives. The syllabuses should be designed according to the Japanese university model at departmental level, and should be evaluated at departmental level, - not just by individual teachers. Only then can we judge whether or not the course is successful. A sophisticated testing system needs be prepared because we must establish whether or not the students have made progress and whether the new courses have been successful in teaching what they set out to teach.

It will also be important to collect feedback on attitudes to the new courses from teachers and students. Course evaluation questionnaires can be used and staff can comment on the courses at regular staff meetings.

Developing teacher training programmes

In chapter 7, I suggested a training system for the development of teachers of English for Legal Purposes. To implement this, it would be necessary to establish much closer co-operation and contact between teachers of English and teachers of Law. This would be desirable for many reasons and could lead to the introduction of team teaching.

Further research on legal English

Regarding the lexical analysis in this thesis, while I believe that this study provides a useful beginning for the reading recommended by the law teachers, the size of the corpus may not be large enough to support generalizations to other legal textbooks. There is room for further study of legal lexis, particularly of words that cause problems for language learners. In future, it would be useful to extend the study of lexis and legal phraseology using a larger corpus. We also need to introduce ways of testing the students' understanding of the lexis and phrases other than by means of translation.

In addition teachers need to know more about the language of the law, especially as used in the legal textbooks that the students have to read. We can draw on the previous research surveyed in this thesis but more basic research is needed as well. In this thesis, I made a small start by looking at words and phrases, but other aspects are equally important: for examples, the use of verb tenses and voice, modality and sentence structure, and above all of the discourse and rhetoric.

The recent general release of video films of actual court cases, such as the O.J. Simpson case, can provide a useful source of spoken texts for analysis. Further research in this area is also possible and this could lead to the development of courses in spoken legal English.

Extension to further research areas

Apart from the direct applications listed in Chapter 7, I would like to suggest potential uses for lexical analysis on other language courses. For example, similar analyses could be conducted of French or German legal textbooks in order to establish what students need to read in these languages. This would help to develop courses in languages for specific purposes.

It would also be interesting to conduct a study of the lexis and phraseology of the Japanese language of the law. Grasping typical legal phraseology in Japanese could help students to understand the differences and similarities between Japanese

and English. This type of language study could be conducted by students themselves if they were introduced to the methods.

Another recommendation from the research indicates that the language of economics, the language of medicine, the language of science and other areas could be analysed and used as the basic for ESP courses in all departments. In comparison with legal studies, the discourse of economics, medicine, or science may seem to have more universal features. Nevertheless, ESP courses could be useful, particularly in relation to academic reading. Regarding the translation of technical words in *Meiji* Era (see Section 4.3.2), we could find lots of interesting comparisons in many fields (economics, medicine, etc.).

Conclusion

The story told in this thesis has attempted to clarify one of the directions that English language teaching could take. As we saw in the literature review, a few attempts have been made at teaching English for legal purposes, but even for overseas students in the UK, not many courses are actually being held. I have tried, but I feel I have not fully succeeded, in presenting some ideas for EALP in Japan. At least, I hope that this thesis will "set on fire" serious argument in Japan about what types of English language courses might be desirable and that this might encourage further research into the topic. If new courses are introduced at Keio University, this might inspire more experimental courses at other universities, and hopefully bring about a general improvement in language teaching to university students in Japan.

BIBLIOGRAPHY

- Adams-Smith, D.E. (1980) 'Co-operating Teaching: Bridging the Gap between E and SP' in Harper, D. (ed.) *Team Teaching in ESP, ELT Documents 106*. London: Pergamon Press in association with the British Council. pp.76-85.
- Addison, W. and Cownie, F. (1992) 'Overseas Law Students: Language Support and Responsible Recruitment'. *Journal of Law and Society*. Volume 19. Number 4. pp.463-482.
- Aomi, J. (1981) 'Hogaku no Bunsho to Nihongo', in Hayashi, O. and Aomi, J. (eds.) *Ho to Nihongo*. Tokyo: Yuhikaku. pp.113-131.
- Austin, J.H. (1962) *How to Do Things With Words*. New York: Oxford University Press.
- Austin, J.H. (1970) 'Performance Utterance' in *Philosophical Paper*. 2nd ed. London: Oxford University Press.
- Barber, C.L. (1962) 'Some Measurable Characteristics of Modern Scientific Prose', in *Contributions to English Syntax and Philology*. Gothenburg Studies in English 14. Gothenburg. p.23-43.
- Berry, M. (1981) 'Systemic Linguistics and Discourse Analysis: A Multi-layered Approach to Exchange Structure', in Coulthard, R.M. & Montgomery, M. (eds.) *Studies in Discourse Analysis*. London: Routledge and Kegan Paul.
- Bhatia, V.K. (1993) *Analysing Genre: Language Use in Professional Settings*. London: Longman.
- Black, H.C. (1891, 1990, 7th ed.) *Black's Law Dictionary*. St. Paul, Minn.: West.
- Bloor, M. & Bloor, T. (1996) 'Languages for Specific Purposes: Practice and theory', *CLCS Occasional Paper No. 19*. Dublin: Centre for Language and Communication Studies, Trinity College.
- Bloor, M. & Bloor, T. (1995) *The Functional Analysis of English: A Hallidayan Approach*. London: Arnold
- Bradbury, P.L. (1984) *Case and Status on Tort*. London: Sweet & Maxwell.
- Bramki, D. And Williams, R. (1984) 'Lexical Familialization in Economics Text, and its Pedagogic Implications in Reading Comprehension'. *Reading a Foreign Language*. Volume 2, Number 1, Spring. Pp. 169-181.
- Bulow-Moller, A.M. (1990) 'Trial Evidence - The Strategic Use of Truth'. Typescript. The Ssaloniki-Halkidiki. Greece. Ssaloniki. April. p.1-11.
- Caenegem, R.C.V. (1988) *An Historical Introduction to Private Law*. Cambridge: Cambridge University Press.
- Coffey, B. (1984) 'ESP-English for Specific Purposes'. *Language Teaching*. Volume 17. Number 1. pp. 2-16.
- Collin, .P.H. (1986) *English Law Dictionary*. Teddington, Middlesex: Peter Collin Publishing.
- Cooper, F.E. (1963) *Writing in Law Practice*. : Bobbs-Crocker, T. (1982) 'LSP and Methodology: Some implications for course design and implementations in EALP'. *English for Specific Purposes: Special Issue on Legal English*. Pp.1-5.
- Crocker, T. (1982) 'LSP and Methodology: Some Applications for Course Design and Implementations in EALP'. *English for Specific Purposes: Special Issue on Legal English*. pp. 1-5.

- Crystal, D. & Davy, D. (1969) *Investigating English Style*. London: Longman.
- Danes, F. (1974) 'ESP and the Organisation of the Text', in Danes, F. (ed.) *Papers on Functional Sentence Perspective*. Prague: Academia.
- Dannet, B. Kermish, N.C. & Hoffman, K.B. (1975) 'Accountability for Verbal Offenses'. Typescript. *Role of Language in the Legal Process*. Working Paper: National Science Foundation.
- Dickerson, R. (1965, 2nd ed. 1986) *The Fundamentals of Legal Drafting*. Boston: Little Brown and Company.
- Ellegard, A. (1978) *The Syntactic Structure of English Texts*. Gothenburg Studies in English 43. Gothenburg.
- Felsenfield, C. and Siegel, A. (1981) *Writing Contracts in Plain English*. St. Paul, Minn.: West.
- Finegan, E. (1983) 'Form and Function in Testament Language', in Pietro, R.J. (ed.) *Linguistics and the Professions*. Ablex: p.113-123.
- Folsom, R.H., Gordon, M.W., & Spanogle, Jr., J.A. (1986) *International Business Transaction*: St. Paul, Minn.: West.
- Francis, G., (1986) 'Anaphoric Nouns'. *Discourse Analysis Monographs* 11. University of Birmingham.
- Friedman, L. (1975) *The Legal System*. New York: Russell Sage Foundation.
- Goodrich, P. (1986) *Reading the Law*. Oxford: Basil Blackwell.
- Greenall, G. (1981) 'The EST teacher: A negative view' in British Council (ed.) *The ESP Teacher: Role, Development and Prospects, ELT Document 112*. London: British Council English Teaching Information Centre. pp.23-27.
- Gustafsson, M. (1975) 'Some Syntactic Properties of English Law Language'. Publications of the Department of English 4. University of Turku.
- Hadler, J. (1993 4th ed.) *Ballentine's Law Dictionary*. London: Pelman Publication.
- Haley, J.O. (1991) *Authority without Power: Law and the Japanese Paradox*. Oxford: Oxford University Press.
- Halliday, M.A.K. (1990) 'New Ways of Meaning: A Challenge to Applied Linguistics', A paper presented to *the Ninth World Congress of Applied Linguistics*. The Ssaloniki-Halkidiki. Greece.
- Halliday, M.A.K. (1994, 2nd ed.) *An Introduction to Functional Grammar*. London: Edward Arnold.
- Hamashima-Shoten. (1988) *Sogoshiryō-Nihonshi*. Nagoya: Hamashima-Shoten.
- Hancher, M., (1981) 'Speech Acts and the Law', in Shuy, R.W. et al (eds.) *Language Use and the Use of Language*. Georgetown: Georgetown University Press. pp.245-256.
- Hansen, G.J. (1981) 'LSP-Aspects of teaching methods at the university level', in Hoetd, J. and Turner, J. (eds.) *New Bearing in LSP*. Copenhagen: Copenhagen School of Economics. pp.151-160.
- Hare, A.E. (1993) 'A Corpus-Based Analysis of the Lexis of English for Academic Law Purposes (EALP)', A paper presented at *the RELC Regional Seminar on Language for Specific Purposes: Problem and Prospects*. SEAMEO Regional Language Centre: Singapore. April 19-21 in 1993.

- Harris, S. (1989) 'A-Nouns in Legal Discourse', Typescript. A MSc thesis submitted to the University of Aston in Birmingham. Birmingham in UK.
- Harris, S. (1992) 'Reaching out in legal education: Will EALP be there?' *English for Specific Purposes*. Vol.11. pp.19-32.
- Hart, H.L.A. (1963) 'The Ascription of Responsibility and Rights', in Flew,A. (ed.) *Essays in Logic and Language*. Oxford: Basil Blackhall. pp.145-166.
- Hasegawa, T. (1985) *Horitsu-Eigo no Kagi*. Tokyo: Tokyo Naoi-Shuppan.
- Hatano, K. (1981) 'Ho to Kotoba', in Hayashi,O. and Aomi.J. (eds.) *Ho to Nihongo*. Tokyo: Yuhikaku. pp.222-240.
- Hayakawa, T. (1965) *Horitsu-Eigo no Joshiki*. Tokyo: Shin-Nihon-Hyoronsha.
- Hayakawa, T. (1992) *Horitsu-Eigo no Kiso-Chisiki*. Tokyo: Shojihomu-Kenkyukai.
- Hayashi, O. (1981) 'Horitsu to Bunpo-Ya', in Hayashi,O. and Aomi.J. (eds.) *Ho to Nihongo*. Tokyo: Yuhikaku. pp.241-251.
- Hiltunen, R. (1983) 'On the Syntax of Sentence and Clause in Legal English'. Turke: Department of English, University of Turke.
- Hino, N. (1988) 'Yakudoku: Japan's Dominant Tradition in Foreign Language Learning'. *JAlt Journal*. Tokyo: 10/1 and 2: pp.45-55.
- Hino, N. (1993) 'Nihon-no Gengo-Bunka-to Yakudoku'. *IRICE PLAZA*. Tokyo: Vol.4. pp.36-52.
- Hiraizumi, W. (1975) *Eigokyoiku-Daironso*. Tokyo: Bungeishunju-Sha.
- Hirano, (c.1975) *New Current Report 23*. Tokyo: Eichi-Sha.
- Hiwatari, S. (1991) *Gaikoku-Ho*. Tokyo: Iwanami-Shoten.
- Hoshino,E., Matsuo, H. and Shiono,H. (1995) *Hanrei Roppo*. Tokyo: Yuhikaku.
- Howe, P. (1990) 'The problems of the public question in English for Academic Legal Purposes'. *English for Specific Purposes*, 45. pp.215-36 at p.235.
- Hozumi, C. (1916) *Hoso Yawa*. Tokyo: Yuhikaku. (reprinted in 1980. Tokyo: Iwanami-Shoten).
- Hozumi, J. (1934) *Yukan Hogaku*. Tokyo: Nihon Hyoron-Sha.
- Huddleston, R.D. (1971) *The Sentence in Writen English: A Syntactic Study Based on an Analysis of Scientific Texts*. Cambridge: Cambridge University Press.
- Hullen, W. (1981) 'The teaching of English for specific purposes: a linguistic view' in Freudenstein,R., Beneke,J., and Ponisch,H. (eds.) *Language Incorporated: Teaching Foreign Languages in Industry*. Pergamon. 1981.
- Hutchinson, T. (1988) 'Making materials work in the ESP classroom' in Chamberlain,D. and Baumgardner,R.J. (eds.) *ESP in the Classroom: Practice and Evaluation, ELT Document 128*. Oxford: Pergamon Press in association with the British Council. pp.71-75.
- Hutchinson, T. and Waters, A. (1987) *English for Specific Purposes: A Learning-Centred Approach*. Cambridge: Cambridge University Press.
- International Centre in Keio University (1993) *Keio University Bulletin: 1992-94*. Tokyo: Keio University.
- Itakura, S. (1988) 'Kyoiku Kaizen-no Tegakari toshite', in *Nihon-no Rekishi*. Tokyo: 10/103:98-99.

- Ito, K. (1984) *Eigokyoiku-no Subete*. Tokyo: Taishukan-Shoten.
- Ivamy, E.R.H. (1876, 11th ed. 1993) *Mozley & Whiteley's Law Dictionary*. London: Butterworths.
- Ivanic, R. (1980) 'Moving Towards Subject-Language Integration for a College of Further Education', in British Council (ed.) *Team Teaching in ESP, ELT Documents 106*. London: British Council English Teaching Information Centre. pp.48-69.
- JACET (1985) *Digaku Eigo-Kyoiku-ni Kansuru Jittai-to Syouraisou-no Sogoteki-Kenkyu (I: Gakusei-ni Tachiba)*. Tokyo: JACET.
- JACET (1992) *Daigaku-Secchi-Kijun-ni tomonau Gaikokugo (Eigo) Kyoiku-Kaizen-no tameno Tebiki 1 - JACET Handbook*. Tokyo: JACET.
- JACET (1993) *21-Seiki-ni Mukete-no Eigo-Kyoiku*. Tokyo: Taishukan-Shoten.
- JACET (1993) *JACET Basic Words 4000 wordlists*. Tokyo: JACET.
- Jewel, P. (1991) 'The Warwick University Pre-Sessional Course'. *International Education*. Vol.2. No.2. pp.34-42.
- Johns, T.F. (1986) 'Micro-concord: A language learner's research tool.' *System* 14.2. pp 151-162.
- Johns, T.F. and Dudley-Evans, A. (1988) 'An experiment in team-teaching of overseas postgraduate students of transportations and plant biology' in British Council (ed.) *Team Teaching ESP, ELT Document 106*. London: British Council English Teaching Information Centre. Pp.6-23.
- Jones, T. and Davies, F. (1983) 'Text as a Vehicle for Information: the Classroom Use of Written Texts in Teaching Reading in a Foreign Language, *Reading in Foreign Language*. Volume 1, Number 1. pp. 1-19.
- Kaino, M. (1991) *Gaikoku-Ho*. Tokyo: Iwanami-Shoten.
- Kajiki, & Yamaguchi (1992) in Takahashi, Y. (1994) 'Eigo-Kyoiku-wo Shiru-tameno Data Q&A', *Modern English Teaching*. Special Volume. Tokyo: pp.28-34.
- Kakita, N. (1978) 'Yakudokushiki Kyoju-Ho', in Kakita, N. (ed.) *Eigo-Kyoiku-Ho Kakuron*. Tokyo: Kaitaku-Sha. pp.133-163.
- Kasajima, J. (1987) *Eibun Sokudoku-Sokkai-Ho*. Tokyo: Eikyo-Sha.
- Kawasumi, T. (1975) 'Yakudoku-no Rekishi'. *The English Teachers Magazine*. July. Special Issue. Tokyo: pp.14-19.
- Kawasumi, T. & Suzuki, T. (1978) *Eigo-Kyoiku Ronso-Shi*. Tokyo: Taishukan-Shoten.
- Keio Gijuku (1964) *Keio-Gijuku Hyakunen-shi*. Tokyo: Keio-Tsushin.
- Keio Gijuku (1993) *Keio-Hakusho*. Tokyo: Keio-Tsushin.
- Keio University (1992) *Keio Gijuku Nenkan*. Tokyo: Keio University.
- Keio University Hiyoshi (1993) *Gakushu-Shido-Yoko, Hoken-Taiiku-Kamoku-Rishu-Yoko, Kyoshoku-Katei-Rishu-Yoko, Sho-Kenkyu-Jo-Rishu-Yoko*. Yokohama: Keio University Hiyoshi.
- Kevelson, R. (1981) 'Semiotics and Structures of Law', in *Semiotica*. 35.1-2. pp.183-192.
- Kevelson, R. (1983) 'Language and Legal Speech Acts: Decisions', in Di Pietro, R.J. (ed.) *Linguistics and the Professions*. Ablex. pp.121-131.
- Koike, I. (1978) 'Daigaku-Eigo-Kyoiku no Mondaiten', in Sasaki et al (eds.) *Gakko-Eigo no Tembo*. Tokyo: Kyoikusha. pp.143-156.

- Koike, I. (1993) 'Gaikokugo-Kyoiku (Eigo)-no Igi-to Mondaiten', in JACET (ed.) *21-Seiki-ni Mukete-no Eigo-Kyoiku*. Tokyo: Taishukan-Shoten. pp.18-23.
- Koike, I. (1994) '21 Seiki-heno Hashi-Watashi: Gaikokugo-Kyoiku-no Kanize-ni kansuru Tyousa-Kenkyu-Kyoryokusha Kaigi-no Hokoku-wo Humahete', *Gendai Eigo Kyoiku: Sokan 30 Syunen Kinengo*. 1994, Special Volume. Tokyo: pp.84-85.
- Koko-Eigo-Kenkyu Henshu-bu (1993) *Eigomondai-no Tetteiteki Kenkyu: Daigaku Nyushi '93, Kokuritsu Daigaku-hen*. Tokyo: Kenkyu-Sha.
- Kurcera, H. & Francis, W.N. (1967) *Computational Analysis of Present-Day American English*. Providence, R.I.: Brown University Press.
- Kurzon, D., (1981) 'This and That in Legal Texts'. Paper given at UTE Conference at the Hebrew University of Jerusalem, July 1981.
- Kurzon, D., (1984) 'Themes, Hyperthemes and the Discourse Structure of British Legal Texts'. 1984. pp.31-35.
- Leow, K.F. (1983) 'Identification of the structure of law reports, with the view of helping students read cases more effectively' unpublished MAAL project. Department of Linguistic Science, University of Reading.
- Lipman, M. (1970) *Point of Law* (1). Tokyo: Nanun-Do..
- Marceau, L. (1965) *Drafting a Union Contract*. Boston: Little & Brown Co.
- Marckworth, M.L. & Bell, L.M. (1967) 'Sentence-Length Distribution in the Corpus', in Kurcera, H. and Francis, W.N. (eds.)
- Martin, E.A. (1983, 3rd ed. 1994) *A Dictionary of Law*. Oxford: Oxford University Press.
- Maruyama, T. (1992) *Daigaku-Kaikaku-to Shiritsu Daigaku*. Tokyo: Kashiwa-Shobo.
- Matsumoto, T. (1965) *Eigo-no Atrashii Manabikata*. Tokyo: Saimaru Press.
- Matsuyama, T. (1993) 'Daigaku-ni Okeru Eigo-Kyoiku-no Juyosei', in JACET (ed.) *21-Seiki-ni Mukete-no Eigo-Kyoiku*. Tokyo: Taishukan-Shoten. pp.50-55.
- McDonough, J. (1984) *ESP in Perspective*. London and Glasgow: Collins ELT.
- McDonough, J. (1988) 'ESP: Teaching the Teachers'. *Language Training*. Volume 9, Number 3. September/October. pp. 20-26.
- Mead, R. (1985) 'Courtroom Discourse'. *Discourse Analysis Monograph 9*. English Language Research. University of Birmingham.
- Mellinkoff, D. (1963, 7th ed. 1990) *The Language of the Law*. Boston: Little Brown and Company.
- Mellinkoff, D. (1982) *Legal Writing: Sense and Nonsense*. New York: Charles Scribner's Sons.
- Millet, T. (1986) 'A comparison of British and French Legislative Drafting (with Particular Reference to Their Respective Nationality Laws)', in *Statute Law Review*. 7/3:130-60.
- The Ministry of Education (1947) *The New School Education Act*. Tokyo: Insatsu-kyoku Gyomu-bu Toshoka.
- The Ministry of Education, Science and Culture (1989a) *The Guidelines to Study in the Junior High School Foreign Languages*. Tokyo: Kairyudo-Publishing Company.

- The Ministry of Education, Science and Culture (1989b) *The Guidelines to Study in the Senior High School Foreign Languages*. Tokyo: Kairyudo-Publishing Company.
- The Ministry of Education (1991a) *The Revised Standards for College and University Education*. Tokyo: Okura-Sho Insatsu-Kyoku.
- The Ministry of Education (1991b) *Suggestion from University Conference*. Tokyo: Okura-sho Insatsu-kyoku.
- The Ministry of Education, Science and Culture (1994) *Handbook for Team-Teaching*. Tokyo: Gyosei Corporation.
- The Ministry of Justice & the Codes of Translation of Committee (1979) *Road Traffic Law*. Tokyo: Eibun-Horei-Sha.
- The Ministry of Justice & the Codes of Translation of Committee (1992) *The Civil Code of Japan*. Tokyo: Eibun-Horei-Sha.
- Morito, Y. (1986) *Hearing Jotatsu-Ho*. Tokyo: Kodan-Sha.
- Moriya, Y. (1987) *Eibeihō-Kotowaza*. Tokyo: Nihon Hikaku-Ho Kenkyujo.
- Morizumi, M. (1991) 'Shindaigaku Secchi-Kijun-to Korekara-no Daigaku-Eigo-Kyoiku', in Wakabayashi Shunsuke Kyoju Kanreki Kinen Ronbun-shu Henshu Iinkai (ed.) *Eigo Jugyo-Gaku-no Shiten: Wakabayashi Shunsuke Kyoju Kanreki Kinen Ronbunshu*. Tokyo: Sanseido-Shoten. pp.33-45.
- Morizumi, M. (1994) 'On Correlation between LGP and LSP in Japan', in Khoo, R. (ed.) *The Practice of LSP: Perspectives, Programmes and Projects*. Singapore: SEAMEO Regional Language Centre. pp.143-156.
- Nakajima, T. (1969) *Kindai Nihon Kyoiku Seido-shi*. Tokyo: Iwasaki Gakujutsu Shuppan.
- Nakane, F. (amended by Nakane, F. & Nishimura, I) (1960) *Road Traffic Law* (Law No. 105 June 26).
- Nation, I.S.P. (1984, Revised 1986) *Vocabulary Lists: Words, Affix and Stems*. English Language Institute, Victoria University of Wellington, New Zealand: Occasional Publication No.12.
- Nihon Eigo-Kyoiku Kyokai (1995) *Eiken Jun 1-Kyu Mondaisyū (Proficiency Test: Lower 1st Level)*. Tokyo: Obun-Sha.
- Nihon Eigo-Kyoiku Kyokai (1995) *Eiken 2-Kyu Mondaisyū (Proficiency Test: 2nd Level)*. Tokyo: Obun-Sha.
- Nippon Steel Human Resources Development Co. Ltd. (Nouryoku-Kaihatsu Kenkyu-Shitsu). (1993) *Nippon: Sono Sugata-to Kokoro*. Tokyo: Gakusei-Sha.
- Noda, Y. (1976) *Introduction to Japanese Law*. Tokyo: Tokyo University Press.
- Obunsha (1991) in Takahashi, Y. (1994) 'Eigokyoiku wo Shiru-tameno Data Q&A', in *Modern English Teaching*. Special Volume. Tokyo: pp.28-34.
- Oda, H. (1992) *Japanese Law*. London: Butterworths.
- Ogawa, Y. (1963) *Eigokyoiku*. Tokyo: Kodan-Sha.
- Ohba, M. (1994) 'Where have the Liberal Arts Gone?: Personal Views on Reforming Liberal Education at Waseda University', in Osaka, T., et al (eds.) *The Conduct of the University*. Tokyo: Rodo-Junpo-Sha.

- Ohki, Masao (1988) *Nihonjin-no Ho-Kannen*. Tokyo: Tokyo University Press.
- Ohki, M. (1988) 'Kakunendo-ni Okeru Gakko-Su, Zaikousei-su', in *Nihon no Rekishi*. Tokyo: 10/103:115.
- Okubo, Y. (1981) 'Ho no Keiju to Gengo', in Hayashi, O. and Aomi, J. (eds.) *Ho to Nihongo*. Tokyo: Yuhikaku. pp.149-167.
- The Hon.Mr.Justice Ormrod, *et al* (Committee on Legal Education) (1971) *Report of the Committee in Legal Education, Cmnd. 4595*. pp.155-157.
- Recruiting Office in Keio University (1993) *Shushoku Handbook <data> 1993*. Tokyo: Keio University.
- Osaue, S. (1978) *More Successful Teaching of English*. Tokyo: Nanun-Do.
- Otagaki, M. (1991) 'Daigaku-no Ippan-Eigo-wo Do Oshieruka'. *The English Teachers' Magazine*. Tokyo: 1XL/3:p.44.
- Pholsward, P. and Allen, P. (1988) 'The Development of a Diagnostic Test for EAP Students of Economics', in Tickoo, M.L. (ed.) *ESP: State of the Art*. Singapore: SEAMEO Regional Language Centre. pp.58-73.
- Piesse, E.L. & Smith, J.G. (1946, 5th ed. 1976) *The Elements of Drafting*. New York: Law Book Company.
- Pimsleur, P. et al. (1977) 'Speech Rate and Listening Comprehension', in Burt, M. et al. (eds.) *Viewpoints on English as a Second Language*. Refents Publishing Company. pp.27-34.
- Pollock, S.Y. & Maitland, F.W. (1895, 2nd ed. 1898) *The History of English Law: Before the Time of Edward I*. Cambridge: Cambridge University Press.
- Powell, R. (1993) *Law Today*. Tokyo: Eicho-Sha Longaman Books.
- Rayfield, D. (1972) *Action: An Analysis of the Concept*. The Hague: Martinus Nijhoff.
- Reischauer, E.O. and Craig, A.M. (1978) *Japan, Traditional & Transformation*. Tokyo: Charles, E. Tuttle Company.
- Riley, A. (1991) *English for Law*. London: Macmillan. Robinson, B. (1981) 'The helpful EST teacher', in British Council (ed.) *The ESP Teacher: Role, Development and Prospects, ELT Document 112*. London: British Council English Teaching Information Centre. pp.28-32.
- Robinson, B. (1981) 'The Helpful EST Teacher'. In *The ESP Teacher: Role, Development and Prospects. ELT Document 112*. London: British Council English Teaching Information Centre. pp.28-32.
- Robinson, P. (1991) *ESP Today: A Practioner's Guide*. Homel Hempstaed: Prentice Hall International.
- Rutherford, L. & Bone, S. (1983, 7th ed.) *Obson's Concise Law Dictionary*. London: Sweet & Maxwell.
- Rutherford, L. & Bone, S. (1993, 8th ed.) *Obson's Concise Law Dictionary*. London: Sweet & Maxwell.
- Sagawa, K. & Furuya, C. (1984) *Surasura Eigo Sokudokujutsu*. Tokyo: Sogeisha.
- Saito, T. (1978) *Meiji no Kotoba*. Tokyo: Kodan-sha.
- Sakomura, S. (1995) 'Keio-Gijuku to Gaikokugo Kyoiku'. *Mita-Hyoron*. May. Tokyo: pp.4-16.
- Shoppa, J.S. (1991) *Education Reform in Japan*. London: Routelodge.
- Scott, D.M.M. (1969) *Casebook on Torts*. London: Butterworths.

- Scath, J. (1981) 'ESP for the Pre-intermediate Student', in Lexden Centre (Oxford) Ltd. (ed.) *Lexden Papers 2, Essays on Teaching English for Specific Purposes by the Staff of the Colchester and Bedford English Study Centres*. Colchester: Lexden Centre (Oxford) Ltd. pp.57-63.
- Seki, M. (1988) *Nihon-no Daigaku-Kyoiku Kaikaku: Rekishi, Genjo, Tenbo*. Tokyo: Tamagawa-Daigaku Shuppankai.
- Sheen, R. (1992) 'In Defense of Grammar Translation', *Language Teacher*. Tokyo: 16/1: pp.43-45.
- Shih, M. (1986) 'Content-Based Approaches to Teaching Academic Writing'. *TESOL QUARTERLY*. Vol.20. No.4. pp.617-648.
- Shimizu, H. (1981) 'Hoso to Gengo', in Hayashi, O. and Aomi, J. (eds.) *Ho to Nihongo*. Tokyo: Yuhikaku. pp.132-148.
- Shiozawa, T. (1978) 'Koko-Sotsugyo-Dankai-de Kitaisubeki Yomu Chikara'. *The English Teachers' Magazine*. Tokyo: p.37.
- Shuy, R.W. & Larkin, D.L. (1978) 'Linguistic Considerations in the Simplification/Clarification of Insurance Policy language'. *Discourse Processes*. 1:305-321.
- Sinclair, J. et al. (1987) *The Collins Cobuild English Language Dictionary*. London: Harper Collins Publishers Ltd.
- Spencer, A. (1975) 'Semantic Combination in Economics and law'. *ESPMESA. Winter. (1957-76)*.
- Stevens, P. (1971) 'Alternatives to Daffodits'. Paper given to BAAL Seminar on *Language in Science Teaching*. University of Birmingham (photocopied version).
- Stevens, P. (1988) 'The learner and teacher of ESP', in Chamberlain, D. and Baumgardner, R.J. (eds.) *ESP in the Classroom: Practice and Evaluation, ELT Document 128*. Oxford: Pergamon Press in association with the British Council. pp.39-44.
- Suzuki, T. (1973) *Kotoba-to Bunka*. Tokyo: Iwanami-Shoten.
- Swales, J.M. (1981) 'Definitions in Science and Law - Evidence for Subject - Specific Course Components?'. Offprint. *Fachsprache*. 3:106-112.
- Swales, J.M. (1985) 'A Genre-Based Approach to Language Across the Curriculum', A paper presented at the RELC Seminar on Language Across the Curriculum, at SEAMEO Regional Language Centre: Singapore. Apr. 1985. Published in Tickoo, M.L. (1986) *Language Across the Curriculum*. Singapore: SEAMEO Regional Language Centre.
- Swales, J.M. (1990) *Genre Analysis - English in Academic and Research Settings*. Cambridge: Cambridge University Press.
- Swales, J.M. & Bhatia, V.K. (1983) 'An Approach to the Linguistic Study of Legal Documents'. *Fachsprache*. 5(3). 98-108.
- Tajima, A. (1993) 'Nyugaku-Senbatsu-Hoho-no Kaizen', in JACET (ed.) *21-Seiki-ni Mukete-no Eigi-Kyoiku*, Tokyo: Taishukan-Shoten. pp.97-106.
- Tajima, A. (1993) 'Totatsu-Mokuhyo-no Meikakuka', in JACET (ed.) *21-Seiki-ni Mukete-no Eigo-Kyoiku*. Tokyo: Taishukan-Shoten. pp.24-31.
- Tajima, K. (1978) 'The Grammar Translation Method: Its Historical and Social Background', in Koike, I. et al (eds.) *The Teaching of English in Japan*. Tokyo: Eichosha. pp.220-227.

- Taira, R. (1983) *Kyozai America-Ho*. Tokyo: Houou-Sha.
- Takanashi, Y. (1994) 'Eigo-Kyoiku-wo Shiru-tameno Data Q&A'. *Gendai Eigo Kyoiku: Sokan 30 Syunen Kinengo*. 1994, Special Volume. Tokyo: pp.28-34.
- Takanashi, Y. & Takahashi, Y. (1987) *Eigo Reading Shido-no Kiso*. Tokyo: Kyoikusha.
- Takashima, A. (1992) *Korede Yoinoka Eigo-Kyoiku*. Tokyo: Shinpyoron.
- Tanabe, Y. (1978) 'Daigaku-ga kitaisuru Kyoyo-Eigo-no Totatsudo'. *The English Teachers' Magazine*, September. Special Volume. Tokyo: p.46.
- Tanabe, Y. (1990) *Gakko-Eigo*. Tokyo: Chikura-Shobo.
- Tanaka, Harumi. (1987) 'Kyoju-Ho-no Kaiko', in Tanaka, H. et al. (eds.) *Gengo-Shutoku-to Eigo-Kyoiku*. Tokyo: Eigo-Kyoiku-Kyogikai. pp.1-10.
- Tanaka, Hideo (1991a) *Eibeihō-Jiten*. Tokyo: Tokyo University Press.
- Tanaka, Hideo (1991b) *Jittei-Ho Nyumon*. Tokyo: Tokyo University Press.
- Tanaka, Hideo (1993) *Jittei Hogaku Nyumon*. Tokyo: Tokyo University Press.
- Tazaki, K. (1978) *Theories of English Teaching*. Tokyo: Taishukan-Shoten.
- Thorndike, E. and Logde, I. (1938) *A Semantic Count of English Words*. New York: Colombia University Press.
- Tokyo University (1984) *Tokyo University Hyakunen-Shi: Tsushi*. Tokyo: Tokyo University Press.
- Tsuda, Y. (1991) *Eigo-Shihai-no Kozo*. Tokyo: Daisan-Shokan.
- Ueda, A. (1979) 'Chokudoku Chokkai', in Ueda, A. (ed.) *Yomu Eigo*. Tokyo: Kenkyu-Sha. pp.78-103.
- Watanabe, S. (1975) *Eigo-Kyoiku-Daironso*. Tokyo: Bungeishunju-Sha.
- Waldron, J. (1990) *The Law*. London: Routledge.
- Weinberg, R.H. (1987) *When Lawyers Write*. Boston: Little & Brown Co.
- Weinhofen (1980) *Legal Writing Style*. St. Paul, Minn.: West.
- Weinman, H. and Wilkinson, M. (1981) 'Legal English: A Functional Approach'. *Recherches et Exchanges*. 6:67-77.
- Weir, T. (1983) *A Casebook on Tort*. London: Sweet & Maxwell.
- White, G. (1981) 'The subject specialist and the ESP teacher', in Lexden Centre (Oxford) Ltd. (ed.) *Lexden Papers 2, Essays on Teaching English for Specific Purposes by the Staff of the Colchester and Bedford English Study Centres*. Colchester: Lexden Centre (Oxford) Ltd. pp.9-14.
- White, R.V. & Arndt, V. (1991) *Process Writing*. London: Longman.
- Williams, G. (1982, 11th ed.) *Learning the Law*. London: Stevens.
- Willis, D. & J. Willis, (1989) *Collins Cobuild English Course 2, Student's Book*. London: William Collins Sons & Co. Ltd.
- Wilson, J. (1986) 'General Principle' in Harper, D. (ed.) *ESP for the University, ELT Document 123*. London: Pergamon Press in association with the British Council. pp.7-26.
- Wincon, R. (1976) *Contracts in Plain English*. New York: McGraw Hill.
- Winter, Eugene. (1974) 'Replacement as a function of repetition: a study of its principal features in the clause relations of contemporary English'. *PhD thesis*. University of London.

**ENGLISH FOR ACADEMIC PURPOSES IN JAPAN:
AN INVESTIGATION OF LANGUAGE ATTITUDES
AND LANGUAGE NEEDS IN A DEPARTMENT OF LAW**

(In 2 volumes)

Volume 2



Hajime Terauchi, LL.B. (Keio University)

M.A. in English Language Teaching (University of Warwick)

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Appendix 1.1: The History of Education Acts

1871	establishment of Ministry of Education
1872	the integrated educational system; based on French style
1879	the Educational Act; abolished the act of 1872, based on the American system.
1886	the School Act; composed of the Imperial University Act, Teacher Training School Act, Middle School Act and Elementary School Act.
1894	the Higher School Act
1899	the Vocational School Act and the Girls' High School Act
1903	the College Act
1920	the University Act and the Higher School Act

Appendix 1.2: Education System in 1890

kinds of school	schools	students
kindergarten	240	23,073
elementary school	26,250	H 2,060,066
		F 1,667,989
higher elementary school	5,974	H 664,417
		F 206,778
middle school	218	H 78,315
girl's high school	52	F 11,984
vocational school	143	H 17,658
		F 795
sub-vocational school	151	H 7,262
		F 1,618
teacher training school	52	H 13,543
		F 2,096
high school	7	H 4,904
higher teacher training school	2	H 480
women's higher teacher training school	1	F 323
college & vocational college	-	-
university	2	H 2,817

Appendix 1.3: Education System in 1920

kinds of school	schools	students
kindergarten	748	62,127
elementary school	26,407	H 3,964,247 F 3,755,123
higher elementary school	15,180	H 604,545 F 300,231
middle school	368	H 177,201
girl's high school	514	F 125,588
vocational school	676	H 117,595 F 18,695
sub-vocational school	14,232	H 811,144 F 184,946
teacher training school	94	H 17,734 F 8,817
high school	15	H 8,839
higher teacher training school	2	H 1,293
women's higher teacher training school	2	F 768
college & vocational college	101	H 46,212 F 2,795
university	16	H 21,913 F 2

Appendix 1.4: Education System in 1985
((data from Oki, (1988:115))

kinds of school	schools	students
kindergarten	15,220	2,067,951
elementary school	26,040	11,095,372
junior high school	11,131	5,990,183
high school	5,453	5,177,681
school for physically disabled students	179	16,184
school for mentally disabled students	733	79,217
technical college	62	48,288
junior college	543	371,095
special training college	3,015	538,175
miscellaneous school	4,300	530,159
university	460	1,848,698

Appendix 1.5: Private universities from 1901 to 1947

1868	Keio Gijuku	Keio Univ.
1870	Felis Women's School	Felis Women's Univ.
1874	Seikokai Rikkyo School	Rikkyo Univ.
1875	Doshisha English School	Doshisha Univ.
1875	Kobe Women's School	Kobe Women's Univ.
1879	Tokyo Law School	Hosei Univ.
1880	Special training School	Senshu Univ.
1881	Meiji Law School	Meiji Univ.
1882	Tokyo Law Special Training School	Waseda Univ.
1882	Kokugakuin	Kokugakuin Univ.
1885	English Law School	Chuo Univ.
1886	Icchishin School	Meiji Gakuin Univ.
1886	Kansai Law School	Kansai Univ.
1887	Philosophy School	Tetsugakukan Univ.
1889	Nihon Law School	Nihon Univ.
1900	Tsuda English School	Tsuda Women's Univ.
1901	Nihon Women's School	Nihon Women's Univ.

(before 1947, women's universities were
not admitted, they were categorized as a
group of colleges.

Hamashima, 1982:120)

NOTE: The other universities, which were also
admitted before 1947, were Tokyo Jikei School
(Tokyo Jikei medicine Univ.), Tokyo
Agricultural School (Tokyo Agricultural Univ.),
Ryukoku school (Ryukoku Univ.), Ohtani School
(Ohtani Univ.), Rissho School (Rissho Univ.),
Komazawa School (komazawa Univ.), Taisho School
(Taisho Univ.), Sophia School (Sophia Univ.)
Kansei Gakuin (Kansei Gakuin Univ.),
Ritsumeikan School (Ritsumeikan Univ.),
Takusyoku School (Takushoku Univ.). The total
of these private universities before 1947 was
only 26 (data from Seki, 1985).

Appendix 1.6: The Department of Law in Keio University

As more and more graduates enter the legal profession (as judges, public prosecutors and attorneys), the number of Keio students passing the bar examination has increased in recent years. The number of students that have passed the bar examination, from 1965 through 1991, total 650. Graduates of Keio Law Faculty (Department) are beginning to assume an important place in nation's judicial circles. They are creating a new image of lawyers who, are of a type relatively rare in Japan.

The Department of Law hopes that outstanding graduates will continue to make new contribution to Japan's legal and government circles, maintaining the spirit of open-mindedness so valued at Keio University.

The International Centre in Keio
University (1993:143-144)

Appendix 1.7: Administration of Graduate School of Law: Master Course

	Number		
Candidates	176 (61)		altogether
Pass	101 (42)		altogether
Enter	38 (37)		altogether
Enter	76 (30)	(15.8%)	from Law Faculty of Keio University
Graduates	1,202 (357)		from Law Faculty of Keio University

Appendix 1.8: Professional Recruitment of Law Faculty, Graduates

		Law Faculty	
		Department of Law	Department of Political Science
		Number (%)	Number (%)
A	Agriculturing industry	—	—
B	Timber industry	—	2 (0.3%)
C	Fishing & Marine industry	—	—
D	Mining industry	—	1 (0.2%)
E	Construction industry	13 (5) (2.1%)	14 (5) (2.4%)
F	Manufacturing industry	126 (23) (20.1%)	132 (31) (22.3%)
G	Electricity, Gas, water & Heat supplying industry	5 (1) (7.2%)	11 (2) (1.9%)
H	Transporting, Correspondent, Warehousing industry	31 (7) (4.9%)	32 (11) (5.4%)
I	Commercial industry	47 (12) (7.5%)	74 (27) (12.5%)
J	Financial & Insurance industry	162 (49) (25.8%)	137 (45) (23.1%)
K	Real Estate industry	10 (1.6%)	6 (2) (1.0%)
L	Education, Mass-Communication & Public Interest industry	42 (18) (6.7%)	71 (26) (12.0%)
M	Officer	19 (8) (3.0%)	15 (4) (2.5%)
N	Impossible to categorized	7 (1) (1.1%)	5 (1) (0.8%)
O	Doing by himself/herself	—	—
Total		462 (124) (73.7%)	500 (154) (84.5%)
Not recruiting		157 (62) (25.0%)	79 (38) (13.3%)
Graduates		627 (188)	592 (194)
Graduates (altogether)		1,219	(382)

1. () indicates the number of the female students.
2. This diagram is based on students' reports in March 1993.
3. Since some students might be accepted by two or three companies, the total does not always agree with the number of the graduates.

(Recruiting Office in Keio University, 1993: 70-71)

Appendix 1.9: Selective (Optional) English Language Lessons in the 1st Year

(In the column of focus, "C" indicates the class is focused on *Comprehension*: reading and listening skills. "P" indicates the class is focused on *Production*: writing and speaking skills.)

This class is divided according to the English Proficiency level 1,2,3,4 and 5.

English Proficiency Level 1: Beginners' level

English Proficiency Level 2: Intermediate level (almost all students would study)

English Proficiency Level 3: Upper-Intermediate level (Returnee students from English spoken countries and students at the same level as they)

English Proficiency Level 4: Upper-Intermediate level (Returnee students from English spoken countries and students at the same level as they), (a little higher than Level 3)

English Proficiency Level 5: Upper level (native-like students)

Level 1.	Code	Date	Lecturer	Focus	Textbook
		Hon.5 Sat.2	Kuga	C,P	
		Hon.3 Hon.4	Asai	P	
		Tue.3	Yokoyama	C	
		Sat.3	Suzuki	P	<i>Learning Your Mistakes</i> (英潮社) <i>Longman Dictionary of Common Errors</i> (Longman)
Level 2.	Code	Date	Lecturer	Focus	Textbook
	101	Wed.4	Unno	P	「精説高等英文法」(文化書房博文社) 「新英語表現法」(弓プレス)
	102	Sat.1	Kurokawa	C	James Kirkup, <i>England Past and Present</i> , (朝日出版)
	103	Sat.2	Kurokawa	C	
	104	Tue.1	Ianaka	C	Evelyn Waugh, <i>Brideshead Revisited</i>
	105	Thu.3	Ianaka	C	(Penguin)

Level 2.	Code	Date	Lecturer	Locus	Textbook
	106	Tue. 5	Tsuda	P	Jake Allison, <i>The Penguin Book of</i>
	107	Tue. 4	Tsuda	P	<i>Unique Short Short Stories</i> (南雲堂)
	108	Thu. 4	Tsuji (Spring) Raeside (Autumn)	P P	J&L Soars, <i>Headway (Advanced)</i> , (Oxford)
	109	Hon. 3	Yamazaki	C	Cassells & Videos
	110	Hon. 4	Yamazaki	C	
	111	Hon. 2	Koya	P	Prints (Handouts)
	112	Wed. 2	Koya	P	
	113	Hon. 3	Ota	C, P	Prints (Handouts)
	114	Wed. 2	Tsuji (Spring) Ota (Autumn)	P C, P	Prints (Handouts)
	115	Sat. 1	Suzuki	C	<i>Understanding the United States</i> (南雲堂)
	116	Hon. 3	Saito	C	<i>Newsweek, U. S. News & World Report</i>
	117	Hon. 4	Saito	C	
	118	Hon. 3	Oyanagi	C, P	R. O'Neill etc., <i>Kernel Lessons</i> <i>Intermediate</i> (Longman)
	119	Hon. 4	Oyanagi	C, P	
	120	Wed. 1	Okada	C, P	
	121	Wed. 2	Okada	C, P	
	122	Wed. 3	Okada	C, P	
	123	Hon. 3	Okutsu	C	<i>What Proverbs Can tell Us</i> (英潮社)
	124	Hon. 4	Okutsu	C	
	125	Thu. 3	Sano	C	<i>Information for Everyday Life</i> (金星堂) <i>Polite Fiction</i> (金星堂)
	126	Thu. 4	Sano	C	
	127	Hon. 4	D. Prebelle	P, C	Graham Greene, <i>The Third Man</i> (南雲堂)
	128	Hon. 5	D. Prebelle	P, C	Watanabe, Soneda, & Brashear, <i>Casablanca</i> (NCL)
	129	Hon. 1	Horie	P	<i>Useful Practice in Daily</i> <i>Expressions</i> (朝日出版社)
	130	Hon. 2	Horie	P	
	131	Hon. 3	Horie	P	

Level 2.	Code	Date	Lecturer	Focus	Textbook
	132	Tue. 1	Miura	P	Brian Powle, Human Problems of
	133	Tue. 2	Miura	P	Today's World (金星堂) 「10分間チャレンジ 英検2級 1000 対策問題集」(松柏社) 「10分間チャレンジ 英検準1級・ 1000 対策問題集」(松柏社)
	134	Sat. 1	Watanabe	C, P	Watanabe, Soneda, & Brashear, <i>It's a</i>
	135	Sat. 2	Watanabe	C, P	<i>Wonderful Life</i> (開文社) Watanabe, Soneda, & Brashear, <i>American Society through TV Commercials</i> (語学新潮社) Watanabe, Soneda, & Brashear, <i>Best American Screenplays for Students</i> (New Currents International)
	136	Fri. 4	Sato	P	Oka, H. & W. Oka, 1991, <i>Listening First</i> (成美堂) Kennard, 1924, 1961, 1991, <i>Thinking in English</i> (成美堂)
Level 3.	Code	Date	Lecturer	Focus	Course Description
	301	Mon. 1	Ota	C, P	Discussion in English
	302	Wed. 5	Ota	C, P	
	303	Tue. 1	Charles, G.	C, P	Academic skills in English sufficient for returnee students to function at the university level in English
	304	Tue. 2	Charles, G.	C, P	

Level 4.	Code	Date	Lecturer	Focus	Course Description or Textbook
	305	Sat. 1	Asahi	C, P	Daniel, J., Boorstin, <i>The Americans</i> <i>The Democratic Experience</i>
	306	Sat. 2	Asahi	C, P	
	307	Sat. 3	Asahi	C, P	
	308	Thu. 2	Kawaji	C, P	<i>The New York Times, U.S. News & World Report, Time, The Economist, Working Women</i>
	309	Thu. 3	Kawaji	C, P	
	310	Thu. 2	Raeside, J.,	C, P	Revision of fundamental aspects of the Language that may have become forgotten or neglected over the years.
	311	Sat. 3	Trokeloshvili	C, P	Various video materials
	312	Tue. 3	Hiatt, B.,	C, P	Video, assignments, 1 to assist returnee students in maintaining the fluency in spoken English which they have acquired abroad 2 to further develop the range of their vocabulary through reading assignments based on the biographies of internationally famous people who are leaders in their fields.
	313	Thu. 4	Hiatt, B.,	C, P	
	314	Thu. 5	Hiatt, B.,	C, P	
	315	Wed. 4	Brown, A.,	C, P	
	316	Wed. 5	Brown, A.,	C, P	Creative writing
Level 5.	Code	Date	Lecturer	Focus	Course Description or Textbook
	317	Tue. 5	Raeside, J.,	C, P	Practice of skills necessary university life in USA or UK.

(Keio University Hiyoshi, 1993 :9-26)

Appendix 2.1: The Entrance Examination for Tokyo
University in 1993
(Koko Eigo-Kenkyu Henshu-bu, 1993:217-220)

2 (A) 次の英文中の空所 (1) (2) に入れるべき英文を自由に創作せよ。各空所は 30 語 (words) 程度とするが、いくつかの文 (sentences) で構成してもよい。全体が一貫した話となるように、前後関係をよく考えること。

A famous detective was invited to tea by a woman, who had just moved in next door. As he entered the house, two things caught his eye. (1) _____

_____ He said after a moment, "I see you have lived abroad — in Japan, perhaps."

Her eyebrows rose in surprise, and she said, "What sharp eyes you have! Yes, I was in Japan for a few years; I love that country."

"Why did you come back, then?" asked the detective.

"Well," she said rather sadly, (2) _____

"

(B) 次の日本文の下線部 (1) (2) を英語に訳せ。

(1) いつ結婚するか、子供を産むか産まないかなどは、各人の自由な判断によるべきだ。しかし、同時に少子化、高齢化が進むとどんな社会になるかは考えておいた方がよい。(2) いまの傾向が続くと今後 30 年足らずのうちに、65 歳以上の人が 4 人に 1 人を占める。

4 次の英文 (A) (B) (C) の下線部を和訳せよ。

(A) It is a well-known fact that the same things are not funny to everybody. We have all at some time made what we consider to be a witty remark at the wrong time and in the wrong company and have consequently had to suffer severe embarrassment to find the joke falls flat. Unspoken rules govern where, when and with whom it is permissible to joke.

(B) John Fenton, manager of a 7,000-acre estate in Humberside, is working with a Danish combine harvester manufacturer, Dronningbourg, on a method of using computers to map levels of fertility in different parts of a field. The aim is to make labour, chemicals and machinery work together more effectively.

It never occurs to most of us that a field of wheat is anything but a uniform whole. But the crop produced in one part of a field can be three times that of another.

(C) It is said of the British that, when two people meet, their opening exchange is about the weather. This can be interpreted as a result of Britain's changeable climate. After all, it would be meaningless for two Egyptians meeting in July to say "Another sunny day, then," while in Britain it is at least reasonable to express some surprise. Such opening remarks may also reflect a certain self-restraint or even politeness since they allow either party to depart after a sentence or two if they are in a hurry.

Appendix 2.2: The Proficiency Test: 2nd Level
(Nihon Eigo Kyoiku Kyokai, 1995:15-27)

-
- 次の(1)から(30)までの()に入れるのに最も適切なものを、1, 2, 3, 4の中から一つずつ選び、その番号のマーク欄をぬりつぶしなさい。
-

- (1) This coat is () leather, not imitation.
1 general 2 generous 3 genial 4 genuine
- (2) Under the new government proposal, heavy taxes will be () on luxury goods.
1 disposed 2 exposed 3 imposed 4 transposed
-

- 3 次の英文を読んで、1から5までの()に入れるのに最も適切なものを、下記の1, 2, 3, 4の中から一つずつ選び、その番号のマーク欄をぬりつぶしなさい。
-

American Farmers

It used to be that farmers were on their own. We let them sink or swim. If there was a drought or if the economy went bad, they sank. If there was enough rain but not too much rain and the economy was good, they could get (1). In the 1930s we decided farmers were too important to be left to the mercy of the elements and a free economy, so the government got into the (2) of helping them. Now it can't get out and, as a result, farmers are no more independent of government than a lot of other Americans.

The farmer who isn't very good at farming and is lazy gets just as much government money today as the good farmer does. A farmer these days is often rich or poor for reasons that have (3) to do with his ability or industry. Most farm families don't even eat anything they grow anymore.

Last year I visited a farmer with a reputation for being one of the best in all of Kansas. He grew wheat. I went into his farmhouse half expecting a wood stove and a few rocking chairs in the living room. (4), he had two television sets, a tape recorder and a CD player. I asked him how much he thought the farm equipment in his yard was worth.

"Maybe a million and a half, two million," he said, "but the bank owns a lot of it."

I turned to his wife standing next to the electric range in the kitchen and asked if she made bread from the wheat her husband grew. She broke into laughter. "I've never made bread in my life," she said. "John likes store-bought bread."

Farmers these days aren't (5) dependent on the rest of the world than city people. John grows wheat that he sells to Russia and buys Japanese television sets with the money.

- (1) 1 rich 2 poor 3 sunk 4 dry
- (2) 1 company 2 office 3 corporation 4 business
- (3) 1 anything 2 something 3 everything 4 nothing
- (4) 1 Otherwise 2 Instead 3 Nevertheless 4 Therefore
- (5) 1 any longer 2 any more 3 any less 4 more or less

Appendix 2.3: The Proficiency Test: Lower 1st Level
(Nihon Eigo Kyoiku Kyokai, 1995:24-25)

3 Read the following passage, choose the best answer from among the four alternatives for each blank, and mark the answer sheet accordingly.

Cinemas

The great age of cinema building was from 1900 to the mid-1930s. The picture palaces that went up richly deserved their title of picture palace with their gilding and gilt, velvet seating and (1) chandeliers, deep carpets, and painted ceilings. By contrast, the small local cinemas that followed were aptly known as fleapits. But even here the glamorous appeal of new movies was such that the more serious members of the community (2) for the future of church, and even family. After the Second World War and the invention of television each hit the cinema in its own way, and there was (3) about its survival. A significant number of picture buildings were converted to bingo halls. But the idea of adapting a picture house into a complex of two, three or even four small cinemas seemed economically viable. Today the cinema (4) in various styles. You can watch popular films in general release in one of the large picture houses around Leicester Square or more cheaply, at a smaller local or multi-screen cinema; and foreign, experimental and classic films (5) an airing in many specialist cinemas.

- | | | | |
|----------------|----------------|---------------|--------------|
| 1 glittering | 2 streaming | 3 crackling | 4 blinking |
| 1 hoped | 2 feared | 3 sought | 4 yearned |
| 1 anticipation | 2 satisfaction | 3 consolation | 4 anxiety |
| 1 populates | 2 endangers | 3 swaggers | 4 flourishes |
| 1 make | 2 give | 3 get | 4 do |

4 Read the following passages [A] & [B], choose the best answer from among the four alternatives for (1) to (10), and mark the answer sheet accordingly.

[A]

Busy Flight Schedules

EVERYTHING seemed set for a remarkably trouble-free flight one Sunday morning last August as I prepared to leave Gatwick for a holiday in Greece.

The check-in process had been unusually smooth and queue-free, and the display screens showed no delays for our flight. Then, just as we thought we were all ready for take-off, the captain announced that we would be delayed because six passengers who had checked in had not reported at the gate.

The missing passengers — who presumably had gone into a trance in the duty-free shop — finally appeared rather sheepishly and took their seats, but by that time we had lost our departure slot and we even-

tually left 40 minutes late.

That experience will have a familiar ring for frequent travellers. But that four-letter word 'slot' is one which we never used to hear when airports were less congested than they are today — and when airlines were able, within limits, to land or take off more or less when they pleased. But as our airports have become busier, so the allocation of arrival and departure slots has become a major concern for airline planners.

Airport congestion is no longer a problem which crops up only at weekends in July and August. Gatwick, for example, is now operating at 90 per cent of capacity in terms of aircraft movements for the

Appendix 3.1: Adams-Smith's Suggestion

- Step 1. Students exercises vocabulary, reading comprehension, speaking, writing, the interpretation and labelling of diagrams and information transfer through a the biology textbooks.
- Step 2. The language teacher discovers an excellent film of the right level of linguistic difficulty and a suitable length (12 minutes); *Electron Microscopy*. The script was recorded and transcribed, and a student worksheet devised. The film was shown twice.
- At the first showing comprehension and vocabulary were checked. At the second showing, the associate professor in charge of the electron microscope unit a led a lively discussion, bringing the film up to date and answering technical questions clearly and in simple terms.
- Step 3. A series of small-group visits to the Electron Microscope Unit, where the director explained and demonstrated the equipment and described research projects in progress.
- Step 4. As a conclusion, students return to their English classes for a final discussion with the Electron Microscope Unit director. Not only student's response was enthusiastic, but also the director enjoyed the discussion. After the final discussion, the EM unit director suggested a number of possible avenues of cooperation between the English division and the medical science departments.

Appendix 3.2: The Marre Report (1988)

Legal skills:

- (1) As adequate knowledge of substantive law.
- (2) An ability to identify legal issues and construct a valid and cogent argument on a question of law.
- (3) An ability to carry out legal research making use of all source material.
- (4) An ability to understand the underlying policy of, and social context of any law.
- (5) An ability to analyse and elucidate an abstract concepts.
- (6) An ability to isolate elementary logical and statistical fallacies.
- (7) An ability to speak and write clear and succinct English.
- (8) A Cultivation of a capacity for active learning.
- (9) An ability to ascertain and verify the relevant facts of any legal problem.

- (10) An ability to analyse facts and to be able to construct and criticise an argument on a disputed question of fact.
- (11) An adequate knowledge of practice and procedure.
- (12) An efficient grasp of techniques for applying the law, i.e., problem-solving skills.
- (13) An ability to draft legal documents.
- (14) An ability to present effective oral and written arguments in a variety of settings.
- (15) An adequate knowledge of professional and ethical standards.
- (16) An adequate knowledge to communicate effectively with clients in a variety of settings. For example:
 - (a) helping clients to understand the law and legal issues;
 - (b) dealing with clients who are distressed;
 - (c) understanding the different economic, educational and backgrounds of clients; and
 - (d) understanding the special needs of cultural minorities.
- (17) An ability to establish a good relationship with clients while eliciting relevant information.
- (18) An ability to help clients understand options available to them so that they can make an informed choice of action or direction.
- (19) An ability to negotiate effectively with other party or his representative.
- (20) An ability to assess when the client might benefit from referral to another professional person, in addition to legal advice, and to propose this referral without losing the client's confidence.
- (21) An ability to help clients to manage the powerful feelings which frequently accompany legal proceedings, both in civil and criminal cases.
- (22) An ability to advise clients without using legal jargon and as far as possible, without inflaming the acrimonious feelings that may exist between the parties concerned.
- (23) An ability to co-operate with other professional persons involved in the same case or field of work.
- (24) An adequate knowledge of effective organisational and management skills, including the use of modern technology.

Appendix 4.1: Examples of Mellinkoff's categorization.

- (A) Frequent use of common words with uncommon meanings:
 of course, show, find. trial by the country,
 etc.,
- (B) Archaism (Frequent use of Old English and Middle English words once in common use, not now rare.):
 hereby, whereas, witnesseth, etc.,
- (C) Latinism (Frequent use of Latin words and phrases.):
 arrested in flagrante delicto
 = caught in the (very) act of doing,
 etc.,
- (D) Gallicism (Use of Old French and Anglo-Norman words which have not been taken into the general vocabulary.)
 assistance
 = help,
 approximately 1,000
 = about 1,000,
 estoppel in pais, chose in action, cestui que trust, etc.,
- (E1) Professionalism (Use of terms of art):
 comparative negligence, a preponderance of the evidence, beyond a reasonable doubt, liquidated damages, etc.,
- (E2) Professionalism (Use of argot):
 con law
 = constitutional law,
 third degree
 = torture,
 etc.,
- (F) Genteelism (non-colloquialism: Frequent use of formal words):
 "Approach the bench"
 = "Come here",
 "may it please the court to ..."
 = "Please ...",
 etc.,
- (G) Tautology (Attempt at extreme precision of expression):
 arbitrary and capricious, deem and consider, null and void, on my stead and place, meet and just, of and concerning, etc.,

Appendix 4.2: Special Meanings

This is not a comprehensive list but is given by Mellinkoff (1963) below for reference:

(words)	(meanings)
action	law suit
alien	transfer
assigns	assignees
avoid	cancel
consideration	benefit to promisor or detriment to promisee
counterpart	duplicate of a document
covenant	sealed contract
demise	to lease
demur	to file a demurrer
executed	signed and delivered
hand	signature
instrument	legal document
letters	document authorizing one to act
master	employer
motion	formal request for action by a court
of course	as a matter of right
party	person contracting or litigating
plead	file pleadings
prayer	form of pleading request addressed to court
presents	this legal document
provided	word of introduction to a proviso
purchase	to acquire realty by means other than descent
said	mentioned before
save	except
serve	deliver legal papers
specialty	sealed contract
tenement	estate in land
virtue	force or authority, as in "by virtue of"
without prejudice	without loss of any rights

Appendix 4.3: The language of the law from Latin

The meanings marked with an asterisk "*" were not indicated by Hayakawa but by the present author from Black's Law Dictionary (1990, 6th ed.), and the meanings indicated by "*2" is from Obson's Concise Law Dictionary (1983, 7th ed.):

(1) judgments

versus (v. or vs.)	= against
in re (Re) Smith	= In the matter of Smith,
Ex parte (Ex.p.)	= On the application/petition of John Doe.
ex relatione (ex rel.), ex informatione (ex inf.)	= From a narrative or information,
un Bonis Carpenter	= among the goods of Carpenter,
nolo contendere	=*I will not contest it.(p.1048)
non prosecutur (non pros.)	= he does not prosecute,
prima facie	= at the first sight, on the face of it, on the first appearance,
judgment non obstante verdicto	= judgment notwithstanding the verdict
trial de novo	
certiorari	=*To be informed of. (p.228)
habeas corpus	=*You have the body. (p.709)
mandamus	= We commenced,
vi et armis	= with force and arms (in the human infringement).
de vonis asportatis	= for goods taken away (in the movable infringement)
quare clausum freight	= wherefore he broke the close, (in the immovable infringement),
amicus curiae	= friend of the court,
per curiam	= by the court,
ratio dicidendi	= the ground or reason of decision,
arguendo (arg.)	= for the sake of argument,
res judicata	=*A matter adjudged; a thing judicially acted upon or decided; a thing or matter settled by judgment,(p.1305)
stare decisis	=*To abide by, or adhere to, decided cases. (p.1406)

- (2) interpretation and application of actments,
 mutatis mutandis = with necessary
 modification,
 de lega leta
 de lega ferande
 ejusdem generis =*Of the same kind, class, or
 nature. (p.517)
 lex fori =*The law of the forum, or
 court. (p.911)
 lex loci =*The law of the place.
 (p.912)
 lex loci domicilii =*The law of the place of
 domicile. (p.912)
 lex loci actus =*The law of the place where
 the act was done. (p.912)
 lex loci contractus =*Used sometimes to denote
 the law of the place where
 the contract was made, and
 at other times to denote
 the law by which the
 contract is to be governed
 (i.e. place of its
 performance), which may or
 not may be the same as that
 of the place where it was
 made. (p.911)
 lex loci delicti (commissi)
 =*The law of the place where
 the crime or wrong took
 place. (p.912)
 lex loci rei sitae =*The law of the place where
 a thing or subject-matter
 is situated. (p.912)
 lex loci solutinos =*The law of the place of
 solution; the law of the
 place where payment or
 performance of a contract
 is to be made. (p.912)
- (3) contracts or tort
 ab initio = from the beginning,
 pro futuro = for the future,
 in the future,
 bona fide (b/f) = in good faith,
 injuria absque (sine) damno
 =*Injury or violation of
 right. (p.785)
- (4) footnote or bibliography
 ibidem (ibid.) =*In the same place;
 in the same book;
 on the same place, etc.
 (p.744)
 loco citato (loc.cit.)
 =*2 At the passage quoted.
 (p.209)
 opere citate (op.cit.)
 =*2 The book previously
 cited. (p.240)
 passim = here and there,

infra	= below, lower,
supra	= above, higher,
in haec verba	= in these words, in the same words
sic	=*Thus; so; in such manner. (p.1380)
sui generis	=*Of its oen kind or class; i.e. the only one of its kind; peculiar. (p.1434)
per se	=*By itself; in itself; taken alone; by means of itself; through itself; inherently; in isolation; unconnected with other matters; simply as such; in its own nature without reference to its relation. (p.1142)
ex post facto	=*After the fact; by an act or fact occurring after the some previous act or fact, and relating thereto; by subsequent matter; the opposite of ab initio. (p.580)
ex officio	=*From office; by virtue of the office; without any warrant or appointment than that resulting from the holding of a particular office. (p.575)
pro tempore	=*For the time being; temporarily; provisionally. (p.1223)
sine die	=*Without day; without assigning a day for a further meeting or hearing. (p.1385)
sine que non	=*Without which not. (p.1385)
status quo	=*The existing state of things at any given date. (p.1410)
pro rata	=*Proportionally; according to a certain rate, percentage, or proportion. (p.1220)
de facto	=*In fact, in deed, actually. (p.417)
de jure	=*Of right; legitimate; lawful; by right and just title. (p.424)
vis major	= force majeure, Act of God
ultra vires	=*An act performed without any authority to act on subject. (p.1522)
vice versa	=*Conversely;

	in inverted order;
	in reverse manner. (p.1567)
vel non	=*Or not. (p.1554)
inter alia	= among others,
	among other things
et cetera (etc.,&c.)	
	= and others,

Appendix 4.4: Legal maxims from Law Latin

The meanings marked with an asterisk "*" were not indicated by Moriya (1987) but by the present author from Black's Law Dictionary (1990, 6th ed.), and the meanings indicated by "*2" is from Obson's Concise Law Dictionary (1983, 7th ed.):

Cujus est solum, ejus est usque ad coelum et ad inferos.

= Whose is the soil, his it is up to the sky.

Qui facit per alium facit per se.

= He who acts through another acts in person.

Respondeat superior.

= Let me the principal answer.

Caveat emptor.

= Let a purchaser beware.

Venditor caveat (Caveat venditor).

= Let the seller beware.

Volenti non fit injuria.

= That to which a man consent cannot be considered an injury.

De minimis non curat lex.

= Of trifles the law does not concern itself.

Nulla poena sine lege.

=*2 No punishment exceptance in accordance with the law. (p.236)

Res ipsa loquitur.

= The thing speaks itself.

Confessio facta in judicio omni probatione major est.

= A confession made in court is of greater force than all proof.

Interpretatio fienda. est ut res magis valeat quam pereat.

=*Such an interpretation is to be adopted that he thing may rather stand than fall. (p.817)

Expressio (inclusio) unius est exclusio alterius.

= The mention of one person [of thing] is the exclusion of another.

Appendix 4.5: The Language of the Law from French

These terms are listed by Pollock and Maitland (1898).

action,
agreement,
appeal,
arrests,
assault,
attorneys,
battery,
bill,
claim,
condition,
constables,
contract,
counsel,
count,
covenant,
crime,
damage,
debt,
declaration,
defendant,
demand,
descent,
devise,
easement,
evidence,
execution,
felony,
gaols (jails),
grant,
guarantee,
guardian,
heir,
indictment,
infant,
judges,
judgment,
jurors,
justice,
justices,
larceny,
lien,
marriage,
misdemeanour (misdemeanor),
money,
note,
obligation,
pardon,
parties,
partner,
payment,
plaintiff,
pleadings,
pledge,
police,

possession,
prisons,
property,
purchase,
reprieve,
robbery,
sentence,
servant,
slander,
suit,
tort,
treason,
trespass,
verdict

Appendix 4.6: French-Oriented Legal Words

This list is given by Hayakawa (1992):

(1) Suffix

(a) -able, -ible:

taxable income, actionable,
unconscionable bargain, tangible assets,

(b) -er (making "abstract noun"):

waiter: wait+er,
merger: merge+er,
joinder: join+er,
demurrer: demur+er,
user: use+er,

NOTE: The following "-er" means "an agent" or
"its tool", therefore, these words do
not come from French, but German or
English:

user: use+er,
taxpayer: taxpay+er,
petitioner: petition+er,
conveyancer: conveyance+er,
process server: process serve+er
purchaser: purchase+er,
officer: offic+er,

(c) -or (expressing "perpetrator"):

vendor, creditor, debtor, auditor,

NOTE: doublet: vendor; legal English
vender; not legal English,
advisor; legal English
adviser; not legal English,

(d) -ant, -ent (present participle):

agent, tenant, defendant, claimant,
respondent, recipient,

NOTE: -ant, -ent > -tia (abstract noun) >
E. -ce, -cy:

nuisance, tenancy,
confession and avoidance, pendency,
negligence, agency, audience,

(e) -ee (past participle):

payee v. payer, vendee v. vendor,
lessee v. lessor, employee v. employer,

NOTE: meaning "legal relationship" by
displaying both parties:

master and servant: employment,
principal and surety: suretyship,
guardian and ward: guardianship,
vendor and purchaser: purchase,
landlord and tenant: tenancy,
lessor and lessee: lease,

(f) -t ("abstract noun" from past participle):

act: L ag-ere>(past participle) ag-tus>
F actus> ModF acte>E act,

NOTE: act: law; Administrative Procedure Act,
Act of God,

(2) noun + adjective:

heir apparent, heir presumptive, proof positive,
court-marshal, malice aforethought,

notary public, feme sole, feme covert,
letters testamentary (sing.),
letters close (sing.),
letters patent (sing.),
consul general, attorney general,
solicitor general,
time immemorial: time beyond legal memory,

Appendix 4.7: Tautology

Hayakawa (1992) makes up a list of tautological phrases by referring to Dickerson (1965:125-126) and Mellinkoff (1982:189-190):

alter or change,
annul and set aside,
assume and agree,
authorize and direct,
authorize and empower,
authorize and require,
by and between,
by and under,
by and with,
cease and come to an end,
chargeable and accountable,
conjective and surmise,
covenant and agree,
convey, transfer, and set over,
cover, embrace, and include,
deem and consider,
desire and require,
due to and payable,
entirely and completely,
final and conclusive,
finish and complete,
fit and proper,
fit and suitable,
for and in behalf of,
for and in consideration of,
force and effect,
fraud and deceit,
free and unfettered,
from and after,
full and complete,
full force and effect,
furnish and supply,
give and grant,
give, devise, and bequeath,
goods and chattels,
heed and care,
hold and keep,
hold, perform, observe, fulfill, and keep,
in lieu, in place, instead, and in substitution of,
in my stead and place,
in truth and in fact,
just and reasonable,
keep and maintain,
keep and performed,
kind and character,
kind and nature,
known and described as,
let or hindrance,
lot, tract, or parcel of land,
made and provided,
made, obtained, constituted, and appointed,
maintenance and upkeep,

may have access to and examine,
means and includes,
meet and just,
mentioned or referred to,
mind and memory,
modified and changed,
of and concerning,
ordered, adjusted, and decreed,
over and above,
over, above, and in addition to,
pardon and forgive,
part and parcel,
peace and quiet,
perform and charge,
perform and observe,
power and authority,
relieve and discharge,
remise, release, and (forever) quitclaim,
request and demand,
rest, residue, and remainder,
revoked, annulled, and held for nought,
save and except,
seised and possessed,
shall and will,
shall have and exercise [the power],
shall have and may exercise [the power],
shun and avoid,
situate, lying, and being in,
stand and be in full force,
stand, remain, and be,
suffer or permit,
supersede and displace,
then and in that event,
true and correct,
truth and veracity,
type and kind,
under and subject to,
understood and agreed,
when and as,
within and under the terms of,

Appendix 4.8: Prepositions

This list is given by Pierce & Smith (1946, 5th ed. 1976):

- (1) on

A year "commencing (beginning) on "April 1 ends the next March 31.
- (2) on and after, on and from, on or before,

"on and after July, 1, 1984"
- (3) after

"after the commencement of the act" includes the commencing day
 "within seven days after an event" excludes the date of the event or the day of the happening of the event
 The arbitration shall make his award within the period of two months commencing on the day after his appointment.
- (4) before

"within a stated time before a specified date or other event" means immediately before.
- (5) from

"from the date of this deed for three years " excludes the date of the deed.
 On the contrary, "twenty-one years from the date of three presents" sometimes includes the date of the deed. Therefore, it is difficult to define the date should be excluded in English Law,
 "from March 25" excludes March 25, therefore:
 (a.e.) if the date is included, "commencing on (with) the date of this deed,
 (a.e.) if the date is excluded, "commencing on the day after the date of the deed.
- (6) to

"to May 15" sometimes exclude May 15,
 Therefore, to be precise:
 (a.e.) "ending on the day after the date of the deed"
 (a.e.) "for many years past, and continuing up to and including the date of this complaint"
- (7) from A to B

"from January 1 to March 3" generally includes both January 1 and March 3,
 therefore:
 (a.e.) "from January 1 to March 3 inclusive"
 (a.e.) "from January 1 to March 3, both days included",
 (a.e.) "comencing with (on) January 1 and ending with (on) March 3",
 (a.e.) "(from) January 1 through March 3".
- (8) till (until)

"suspended until May 1 next" excludes May 1,
 "from the 14th day of February 1868 until the 14th day of August 1868" includes August 14,
 therefore:
 (a.e.) "until and including April 30 next",
 (a.e.) "until but not including April 30 next".

Appendix 4.9: Text-Referential Words

The meanings marked with an asterisk "*1" is given by Hayakawa (1992). The definitions of the rest of the words are taken from *Dictionary of Law* (1993, 2nd ed.). In some cases no definition is given because none was found in any of the following law dictionaries:

A Dictionary of Law (1994, 3rd ed.)
English Law Dictionary (1986)
Mozley & Whiteley's Law Dictionary (1993, 11th ed.)
Obson's Law Dictionary (1993, 8th ed.)

(1) here-words

hereafter: from this time or point on (p.112)

hereat:

herebelow:

hereby: in this way or by this letter (p.112)

(a.e.) We hereby revoke the agreement of
 January 18th., 1982.

herefrom:

herein: in this document (p.112)

(a.e.) The conditions stated herein; see the
 reference herein above.

hereinabove:

hereinafter: stated later in this document
 (p.112)

(a.e.) the conditions hereinafter listed

hereof: of thing (p.112)

(a.e.) in confirmation hereof we attach a
 bank statement

=to confirm this we attach a bank
 statement

hereon (hereupon):

hereto (hereunto): to this (p.112)

(a.e.) According to the schedule of payments
 attached hereto.

as witness hereto

=as a witness of this fact

the parties hereto

=the parties to this agreement

heretofore: previously or earlier (p.112)

(a.e.) the parties heretofore acting as
 trustees

hereunder: under this heading or below this
 phrase (p.112)

(a.e.) see the documents listed hereunder

herewith: together with this letter (p.112)

(a.e.) Please find the cheque enclosed
 herewith.

(2) there-words

thereabout:

thereafter: after that (p.240)

thereagainst:

thereat:

thereby: by that (p.240)

therefor: for that (p.240)

therefrom: from that (p.240)

therein: in that (p.240)

thereinafter: afterwards listed in that document
(p.240)

thereinbefore: before mentioned in that document
(p.240)

thereinunder: mentioned under the heading

thereinto:

thereof: of that (p.240)

(a.e.) in respect thereof
=regarding that thing

thereon (thereupon):

thereout:

thereover:

therethrough:

thereto (thereunto): to that (p.240)

theretofore:

thereunder:

therewith: with that (p.240)

therewithal:

(3) where-words

whereas: as the situation is stated or taking
(a.e.) the following fact into consideration
(p.255)

(a.e.) Whereas the property is held in trust
for the appeal, but

(a.e.) Whereas the contract between the two
parties stipulated that either party
withdraw at six months' notice.

whereat:

whereby: by which (p.255)

(a.e.) a deed whereby ownership of the
property is transferred

wherefor:

wherefrom:

wherein: in which (p.255)

(a.e.) a document wherein the regulations are
listed

whereinto:

whereof: of which (p.255)

(a.e.) In witness whereof I sign in my hand.
=I sign as a witness that this is
correct.

whereon (whereupon): on which (p.255)

(a.e.) and whereon a dwelling is constructed

whereout:

wheresoever: in any place where

(a.e.) The insurance covering jewels
wheresoever they may be kept.

whereto (whereunto):

whereunder:

wherewith:

(4-1) hence,

hence:

henceforth: from this time on (p.112)

(a.e.) Henceforth it will be more difficult
to avoid customs examinations.

henceforward:

hitherto:

(4-2) thence

- thence:
 thenceforth:
 thenceforward:
 (4-3) whence
 whence:
 (5) - ever
 whosoever:
 whatsoever: of any sort (p.255)
 (a.e.) There is so substance whatsoever in
 the report.
 (a.e.) The police found no suspicious
 documents whatsoever.
 whichever:
 whensoever:
 howsoever:
 wheresoever: in any place where (p.255)
 (a.e.) The insurance covering jewels
 wheresoever they may be kept.
 whencesoever:
 whithersoever:
 (6) said, such, same
 said: above-mentioned
 such:
 same:
 (7) fore -, etc.
 afore:
 aforementioned: which has been mentioned earlier
 (p.86)
 (a.e.) the aforementioned company
 aforesaid: said earlier (p.86)
 (a.e.) as aforesaid
 = as was stated earlier
 aforethought:
 with malice aforethought
 = with the intention of committing a
 crime (especially murder)
 foregoing:
 forthwith: immediately
 moreover:
 nowise: in no way
 (8) behoof, let,
 behoof: benefit (*1:100)
 (a.e.) to his use and behoof
 let:
 (9) bounden, proven,
 bounden: (*1:101)
 (a.e.) one's bounden duty
 proven: (p.93)
 (a.e.) In Scotland, not proven
 = verdict that prosecution has not
 (a.e.) produced sufficient evidence to prove
 the accused to be guilty
 (10) witness, etc.,
 witness: (p.257)
 (i) noun: person who sees something happen
 or who is present when something
 happens;
 (a.e.) to act as a witness to a

- document or a signature
- = to sign a document to show that you have watched the main signatory sign it,
- (a.e.) in witness whereof
- = first words of the testimony clause where the signatory of the will or contract signs,
- (b) person who appears in court to give evidence
- (a.e.) defence witness (witness for the defence)
- = person who is called to court to give evidence which helps the case of the defendant or of the accused,
- (a.e.) adverse (hostile) witness
- = witness whose evidence is not favourable to the side which has called him,
- (a.e.) expert (professional, skilled) witness
- = witness who is a specialist in a subject and is asked to give his or her opinion on technical matters,
- (a.e.) witness box ((US) witness stand))
- = place in a court-room where the witness give evidence,
- (a.e.) a witness against himself,
- (a.e.) a witness in one's favour.
- (a.e.) to be witness to (of),
- (ii) verb: to sign (a document) to show that you guarantee that the other signatures on it are genuine;
- (a.e.) to witness an agreement (a signature),
- (a.e.) Now these presents witness that
-
- (a.e.) Witness my hand and seal the day and year first above written. I am innocent, (as) witness my poverty.
- witnesseth (verb):
- (a.e.) now this deed witnesseth
- = words indicating that the details of agreement follow,
- saith (sayeth):
- hath:
- doeth:
- doth:
- (11) to wit: that is to wit,

Appendix 4.10: Abbreviation

This list is given by Hayakawa (1992):

(a) abbreviation from Law Latin:

ss : namely < L scilicet or sans (without)
 viz, oz: namely < L videlicet (to wit)
 etc. : and others < L et cetera,
 b.f. : in god faith < L bona fide,
 A.D. : in the year of our Lord < L Anno Domili,
 M. : thousand < L mille,
 c. : with < L cum,
 ux. : wife < L uxor,
 t. : will < L testamentum,

(b) abbreviation from Law French:

hon.: honourable ; the Hon. Mr. Justice Holmes,
 no. No. nos., Nos., no, nos, : nobre

Appendix. 4.11: Punctuation Marks

This list is given by Hayakawa (1992):

(1) use of the slash mark ('/'):

a/c =acconut,
 B/F, b/f =brought forward,
 B/D, b/d =brought down,
 B/L =bill of lading,
 L/C =letter of credit,
 C/O =certificate of origin,
 B/H =bill of health,
 S/S =steamship,
 b/g =bounded goods,
 B/E =bill of exchange,
 P/N =promissory note,
 D/P =documents against payment,
 D/A =documents of acceptance,
 h/n =herewith,
 c/o =care of,

(2) use of dash ('-'):

d-, d-n, d-d =damn(ed),

(3) use of apostrophe ('):

ma'am =madam,
 ass'n =association,

(4) use of period ('.'):

cf. (L confer) =compare,
 cp. =compare,
 MS. =manuscript,
 P.S.=postscript,

(4') use without period:

Pt =Part,
 St =Street, Saint,
 jr =junior,
 sr =senior,
 Ld =Lord,
 assn =association,
 dept =department,
 bldg =building,
 blvd =boulevard,
 Asst =Assistant,
 Sgt =Sergeant,

Appendix 4.12: Rhetoric

This list is given by Hayakawa (1992):

- (a) euphemism:
 - the decedent, the deceased,
 - = die,
 - be incarcerated, be placed under confinement,
 - = be thrown into prison,
- (b) hyperbole:
 - from the beginning of the world to the day of the date of these presents,
- (c) meiosis, litosis:
 - not without reason
 - = there are many reason,
 - not the least important
 - = the most important,
- (d) periphrasis, circumlocution:
 - give consideration to
 - = consider,
- (e) repetition:
 - "the truth, the whole truth, and nothing but the truth",
- (f) climax & anticlimax:
- (g) Rhetorical questions:
 - "Who knows?"
 - = "Nobody knows?",
- (h) personification:
 - Business has brought him to town.
- (i) conventional epithet:
 - the learned judge, the worthy gentlemen,
 - the honourable court,
- (j) synecdoche:
 - our daily bread
 - = food,
 - a man of seventy winters
 - = 70 years old,
- (k) metonymy:
 - affix one's hand and seal,
 - the crown, the chair, power of the purse,
 - the bench;
 - be raised (elevated) to the bench,
 - the bar;
 - be called (admitted) to the bar,
 - the coif, sit the silks, take silk,
 - assume (wear) the ermine,
- (l) simile:
 - as sober (grave) as a judge,
- (m) metaphor:
 - cloud on title,
 - fruit of crime,
 - man of straw,

Appendix 4.13: Terms of Art

This list is given by Mellinkoff (1963) and Hayakawa (1992):

agency,
alias summons,
alibi,
amicus curiae,
appeal,
bail,
certiorari,
common courts,
comparative negligence,
contributory negligence,
defendant,
demurrer,
dictum,
dry trust,
eminent drain,
ex parte,
fee simple,
fee tail,
felony,
fiction to defendant,
garnishment,
habeas corpus,
injunction,
injunction in rem,
laches,
landlord and tenant,
lessee,
lesser included offense,
lessor,
letters patent,
libelant,
libelee,
life tenant,
mandamus,
master and servant,
month-to-month tenancy,
negotiable instrument,
or order,
novation,
plaintiff,
prayer,
principal of summons,
remittitur,
res judicata,
rule in Shelley's Case,
special appearance,
stare decisis,
tort,
voir dire,

Appendix 4.14: Law Argot

This list is given by mellinkoff (1963) and Hayakawa (1992):

alleged,
alter ego,
argumentative,
at issue,
bail exonerated,
Blackacre,
breaking and entering,
came and for hearing,
case,
cause of action,
court below,
damages,
due care,
four corners of the instrument,
horse case,
inferior court,
issue of fact,
issue of law,
legal conclusion,
matter,
means process,
on all fours,
order to show cause,
pierce the corporate veil,
prescriptive right,
process,
purported,
pursuant to stipulation,
raise an issue,
reasonable man,
record,
reversed and remarked,
set down for hearing,
stale claim,
superior court,
time is of the essence,
toll the stature,
well settled,
Whiteacre,
without prejudice,

Appendix 4.15: Flexibility of legal terminology

This list is given by Mellinkoff (1963):

about,
abuse and discretion,
adequate,
adequate compensation,
adequate consideration,
adequate remedy at law,
and/or,
and others,
apparently,
approximately,
as soon as possible,
available,
average,
care,
clean and neat condition,
clear and convincing,
clearly erroneous,
commerce,
completion,
convenient,
desire,
doubtless,
due care,
due process,
excessive,
existing,
extraordinary compensation,
extraordinary services,
extreme cruelty,
fair division,
few, fixture,
gross,
gross profit,
habitual,
improper,
in conjunction with,
in regard to,
inadequate,
incidental,
inconvenience,
intention,
intoxicated,
it would seem,
large,
lately,
luxury,
malice,
manifest,
many,
mere,
modify,
more or less,
near,
necessaries,

need,
negligence,
neighbourhood,
net profit,
nominal sum,
normal,
notice,
objective,
obscene,
obstruct,
obvious,
on or about,
ordinary,
ought,
overhead,
palpable,
percentage of the gross,
possible,
practicable,
preceding,
prevent,
profits,
promptly,
proper,
provide for,
public,
reasonable care,
reasonable man,
reasonable speed,
reasonable time,
regular,
regulate,
remote,
reputable,
resident,
respecting,
safe,
satisfaction,
satisfactory,
satisfy,
serious and willful,
serious illness,
serious misconduct,
severe,
shortly after,
similar,
slight,
sound mind,
structure,
substance,
substantial,
sufficient,
suitable,
take care of,
technical,
temperance,
temporarily,
thereabout,

things,
transaction,
trivial,
try,
under the influence of a person,
under the influence of liquor,
understand,
understanding,
undue influence,
undue interference,
undue restraint,
unreasonable,
unsafe,
unsatisfactory,
unsound,
unusual,
usual,
valuable,
vicinage,
voluntary,
want,
welfare,
wish,
worthless,

Appendix 4.16: Precise Expression

This list is given by Mellinkoff (1963):

a person or persons,
including, but not limited to;
including, without limitation,
terms and conditions,
last will and testament,
hold, perform, observe, fulfill and keep,
in lieu, in place, instead, and in substitution of,
from the beginning of the world to the day of the
date of these presents,

Appendix 4.17: Hare's analysing textbooks

- Drake, C., (1977) *Law of Partnership*, London: Sweet and Maxwell.
- Fleming, J.G., (1983) *Law of Torts*, Sydney: The Law Book Company.
- Gower, L.C.B., (1969) *The Principles of Modern Company Law*, Sydney: The Law Book Company.
- Hanbury, H.G., and R.H. Maudsley, (1985) *Modern Equity*, ed, by J.E. Martin, London: Stevens and Sons.
- Heuston, R.V., (1964) *Essays in Constitutional Law*, London: Stevens and Sons.
- Megarry, R.E., and H.W.R. Wade, (1975) *The Law of Real Property*, London: Stevens and Sons.
- Odgers, W.B., (1981) *Principles of Pleading and Practice in Civil Actions in the High Court of Justice*, London: Stevens and Sons.
- Smith, J.C., and A. Hogan, (1983) *Civil Law*, London: Butterworths.
- Treitel, G.H., (1979) *The Law of Contract*, London: Stevens and Sons.
- Wheare, K.C., (1971) *Modern Constitutions*, London: Oxford University Press.

Appendix 4.18: Mead's analysis

Band 1.

The witness, counsel, and magistrate participants to create the body of evidence. These participants have different rights over initiations, responses, and follow-ups. Where an interpreter plays the part of the witness, he or she is similarly restricted in the classes of moves that can be made.

Band 2.

The interpreter and witness participate in creating evidence but in a language other than that employed by the court. Interactions between interpreter and witness may extend for only an exchange at a time, but sometimes longer. The distribution of initiations and responses appears to be rather more flexible than for counsel and witness when no interpreter is employed. In particular, where an interaction extends for more than one exchange, the witness sometimes initiates the second and subsequent exchanges.

Band 3.

realises the process by which the participants negotiate the content of the official record of evidence. This record is expressed initially in the form of the note written by the magistrate during the trial. Those notes are then incorporated in the Record of Proceedings, which may be refereed to and quoted in any subsequent appeal and any official publication.

Appendix 5.1: The Ministry of Education's List

a	about	across	after	flower	fly	food	foot
afternoon	again	ago	all	for	forget	forty	four
already	also	always	am	fourteen	fourth	Friday	friend
among	an	and	animal	from	fruit		
another	answer	any	anyone	game	garden	get	girl
anything	April	are	arrive	give	glad	glass	go
as	ask	at	August	good	goodbye(s)	great	green
aunt	away			ground	grow		
back	bad	be	beautiful	hair	half	hand	happy
because	become	before	begin	hard	has	have	he
between	big	bird	black	head	hear	help	her
blue	boat	book	both	here	here	high	hill
box	boy	bread	break	him	his	holiday	home
breakfast	bring	brother	build	hope	hot	hour	house
building	bus	busy	but	how	hundred		
buy	by			I	idea	if	important
call	can	car	card	in	interesting	into	introduce
carry	catch	chair	child	invite	is	it	
city	class	clean	close	January	Japan	Japanese	July
cloud	club	cold	college	June	just		
color(s)	come	cook	cool	keep	kind	kitchen	know
could	country	cry	cup	lake	language	large	last
cut				late	learn	leave	left
dark	daughter	day	dear	lend	let	letter	library
December	desk	dictionary	different	life	light	like	listen
dinner	do	does	door	little	live	long	look
down	draw	drink	drive	lose	love	lunch	
during				make	man	many	March
each	ear	early	easy	May	may	me	mean
eat	eight	eighteen	eighth	meet	milk	mine	minute
either	eighty	eleven	eleventh	Monday	money	month	moon
English	enjoy	enough	evening	more	morning	most	mother
ever	every	everyone	everything	mountain	mouth	much	music
excuse	eye			must	my		
face	fall	family	famous	name	near	need	never
far	farm	fast	father	new	news	next	nice
February	feel	few	fifteen	night	nine	nineteen	ninety
fifth	fifty	find	fine	ninth	no	noon	nose
finish	first	fish	five	not	notebook	nothing	November
				now			
October	of	off	often	tree	try	Tuesday	turn
old	on	once	one	twelfth	twelve	twenty	two
only	open	or	other	uncle	under	understand	until (or till)
our	ours	out	over	up	use	useful	usually
paper	park	pen	over	vacation	very	village	visit
people	picture	plane	pencil	walk	walk	wall	want
please	poor	popular	play	warm	wash	watch	water
put			pretty	way	we	Wednesday	week
question	quickly			welcome	well	what	when
rain	read	ready	really	where	which	white	who
red	remember	rice	rich	whose	why	will	wind
ride	right	rise	river	window	winter	with	without
room	run			woman	wonderful	word	work
sad	same	Saturday	say	world	worry	would	write
school	see	season	second	wrong			
see	sell	send	September	yard	year	yellow	yes
seven	seventeen	seventh	seventy	yesterday	yet	you	young
shall	she	shop	short	your	yours		
should	shout	show	sick				
since	sing	sister	sit				
six	sixteen	sixth	sixty				
sky	sleep	slowly	small				
smile	snow	so	some				
someone	something	sometimes	son				
soon	sorry	speak	spend				
sport	spring	stand	star				
start	station	stay	still				
stop	store	story	street				
strong	student	study	such				
summer	sun	Sunday	sure				
swim							
table	take	talk	tall				
teach	teacher	tell	ten				
tenth	than	thank	that				
the	their	them	then				
there	these	they	think				
third	thirteen	thirty	this				
those	thousand	three	through				
Thursday	time	to	today				
together	tomorrow	too	town				

Appendix 5.2: The words from the textbooks which do not occur in Nation's 3000 wordlist.

(Textbook A) 290 lexical items

abbreviate, according, accordingly, acquit, acquittal, adjectival, adjective, adjudicate, admiralty, admissible, advantage, affiliation, affirmative, aggrieve, allegation, alleviation, ambiguous, amend, amendment, appellant, appellate, apple, assault, assize, audience, authoritatively, await, bane, barrister, beginner, bench, behaviour, beneficially, boldly, bracket, breach, brevity, briefly, canon, catastrophe, cement, certiorari, chamber, chancellor, chancery, charitable, chesnut, circuit, citation, cite, clerk, client, colloquially, commence, commission, commonwealth, community, complainant, confine, conform, consequential, conservative, context, continually, contractual, corpus, council, counsel, countercheck, counterclaim, county, courteous, crown, custody, defamation, defendant, demorer, demur, demurrer, dependant, deputy, detriment, diagrammatically, disadvantage, disclose, discord, dissolution, distinguishable, divergence, divisional, document, double, doubtful, draft, dumb, edict, educational, employment, enforcement, enjoyment, entrust, equity, etymologically, exalt, exchequer, exercise, fob, foreseeable, forgetfulness, former, formerly, fraud, frog, future, glimpse, grammatically, gross, guardianship, guise, habeas, homosexual, illegitimate, immediate, impedimental, imprisonment, inconsistent, inconvenient, indeed, indictable, indict, indictment, informally, injunction, injustice, instead, intent, inveterate, irrespective, judgment, judicature, judicial, judiciary, jurisdiction, jury, ladder, lady, largely, lawsuit, layman, leap, legislative, legislature, lion, linguistic, litigation, lookout, lord, lordship, lot, ludgate, magistrate, maiden, main, mandamus, manifold, manslaughter, matrimonial, mere, merely, minister, miscellany, misnomer, mistakenly, negligence, nominal, oddity, outset, overturn, panic, pathetic, peer, peerce, peregrinate, permissible, petitioner, petty, plaintiff, plea, plead, pleader, plural, police, polytechnic, precaution, preliminary, preposition, preside, presume, privy, probate, probation, pronounce, prose, prosecute, prosecution, prosecutor, proselytise, quarrelsome, readable, reasonably, recess, recipient, recite, reconsider, rectus, regina, rehear, relate, reluctant, remnant, repay, repeal, replication, reside, respondent, restrictive, retort, rex, robe, roman, sentence, serjeant, session, settee, settlor, shorten, signalman, signatory, signify, similarly, singular, sin, sir, sloppily, solicitor, squatter, stipendiary, straightforward, substantive, successor, sue, suitor, summarily, supermarket, syllable, synonymous, tame, temperamentally, terminology, testator, text, textbook, throne, tort, tortuous, tortus, traverse, trespass, trespasser, triable, tribunal, trustee, trustent, understandable, unexcite, unfair, unpay, unqualify,

usher, verb, versus, vest, violation, vocational, walker, wedge, writ, wrongful, wrung.

(Textbook B) 241 lexical items

abridge, abrogate, abrogation, absurd, accordance, according, adviser, alienate, allegemeiner, alphabetique, amalgamate, annex, anti, antique, antiquity, appellate, appropriateness, authentic, barely, boldest, cassation, caustic, chair, cite, clerical, codification, collaboration, collective, commission, complacency, conciliation, congratulate, conservative, context, contractual, contributor, county, cour, craftsmanship, creator, customary, dean, derogation, dew, dichotomy, disobedience, disorderly, dispose, dissatisfy, disseminate, disuse, doctrinaire, doctrinal, doctrine, domain, draft, effective, elusive, embark, eminent, emperor, encyclopedia, entrust, equity, erudition, exegesis, exegete, exegetical, exercise, exorbitant, explicit, explique, expressly, extraordinary, extremism, extricate, faculty, fetishism, feudal, founder, future, gemine, grip, headway, hierarchy, homologate, ideological, immobility, immovable, imperial, improbable, inaugural, inaugurate, individualism, inexorably, ingerit, inn, insovent, internationally, introductory, invoke, irrelevant, judgment, judicature, judicial, judiciary, jurisdiction, jurisprudence, jurist, least, legislator, legislature, literal, literature, litigant, lord, magistrate, mandate, masterpiece, matrimonial, meaningless, medieval, merely, mistrust, mitigate, modernization, motto, nationalistic, necessarily, northern, obsseion, onward, openly, ordeal, organ, orientate, outline, outstanding, oversee, overturn overview, paradox, past, paterfamily, patriotically, pedantic, pioneer, planiol, plead, polemic, positivism, positivist, positivistic, posthumous, practioner, pratique, precedent, precisely, predecessor, predominant, preliminary, preparatory, prestige, pretension, primacy, principality, prive, problematic, professor, profusion, prominent, promulgate, pronounce, proponent, province, provincial, provoke, rationality, readily, recipe, recourse, rector, rediscover, repeal, repertorie, resist, resolutely, respectable, revenge, scholar, scholarly, scholarship, senator, sir, sociological, sole, sophisticate, southern, sovereign, sterility, subjective, substantive, suivant, swiftly, syllabus, systematic, systematization, systematize, teil, tempest, temporarily, testify, theorique, thesis, tort, traduit, trait, translation, tribunal, turbulent, uncertainty, unequal, unjust, unknown, unnotice, unrhetorical, usurp, utilitarianism, van, vice, virtue, virulrent, vols, westerly, wholesale, writ, xenophobic, zenith.

(Textbook C) 211 lexical items

abuse, accord, accredit, admissible, advisory, affiliate, aggregate, alignment, allege, anti, antique, antitrust, apt, aspiration, attorney, austerity, automobile, awareness, barter, bilateral, boost, breach, bureaucracy, buyer, bylaws, cabin, carve, charter, clause, client,

Appendix 5.3: The words from the textbooks which do not occur in JACET list:

(Textbook A) 328 lexical items

abbreviate, abolish, abolition, accordingly, accuracy, acquittal, acquit, adjectival, adjudicate, administer, admiralty, admissible, adoption, affiliation, affirmative, aggrieve, allegation, alleviation, allocate, alternatively, amendment, announcement, appellant, appellate, applicant, assault, assize, attraction, authoritative, authoritatively, avoidance, await, bane, barrister, battery, beginner, behaviour, beneficially, boldly, bracket, breach, brevity, briefly, canon, carelessness, catastrophe, cement, centre, certificate, certiorari, chancellor, chancery, charitable, chesnut, chiefly, circuit, citation, cite, client, colloquially, colonial, commence, commonwealth, community, complainant, complaint, complication, confess, confession, confine, conform, consequential, consistent, continually, contractual, contradiction, contributory, conveniently, conversion, convey, convict, corpus, correspond, counsel, countercheck, counterclaim, couple, courteous, custody, debate, declaration, defamation, defect, defence, defend, defendant, define, deliver, demur, demurrer, deputy, detriment, diagrammatically, diminish, directory, disadvantage, discharge, disclose, discord, dispose, dissolution, distinguishable, divergence, divisional, dumb, edict, electronic, elliptical, embody, enforcement, entrust, equity, essence, essentially, etymologically, exalt, exchequer, exclusively, executive, facilitate, fatal, fob, foreseeable, forgetfulness, formality, fraud, grammatically, guardianship, guise, habeas, homosexual, humanity, illegitimate, illustration, impedimental, imprisonment, inconsistent, inconvenient, indictable, indict, indictment, inflict, informally, injunction, injustice, inspector, intent, interpretation, inveterate, irrespective, judicature, judicial, judiciary, jurisdiction, justifiable, lawsuit, layman, legally, legislative, legislature, liable, linguistic, litigation, locality, lookout, lordship, ludgate, lump, magistrate, maiden, mandamus, manifold, manslaughter, matrimonial, miscellany, misnomer, mistakenly, mode, monopoly, negligence, negligently, nominal, normally, obsolete, oddity, offender, officially, omission, originally, outcome, outset, overturn, panic, pathetic, peculiarity, pecurially, peer, peerce, peregrinate, permissible, petitioner, petty, plaintiff, plea, plead, pleader, polytechnic, precaution, preliminary, preposition, preside, presume, prey, prisoner, privy, probate, probation, proceed, prohibition, prohibitive, properly, prosecute, prosecution, prosecutor, proselytise, province, punishment, qualification, readable, reasonably, recess, recipient, recite, reconsider, rectus, regina, regrettable, rehear, release, relevance, reluctant, remnant, repay, repeal, replication, reside, respectively, restrict, restrictive, retain, retort, rex, robe, roman, serjeant, settee, settlor, shorten, signalman, signatory, signify, similarly, sin, sloppily,

pretension, prevail, previously, primacy, principality, prior, privy, privilege, problematic, procedural, profusion, programme, progressive, promulgate, proponent, province, provincial, provoke, rationality, recipe, recognize, recourse, rector, rediscover, refine, regime, remedy, repeal, repertorie, repute, resolutely, restrict, restrictively, retain, revenge, revert, revision, revive, rigour, scholarly, significant, socialist, socially, sociological, sole, sovereign, spectacular, stability, statute, statutory, steadily, sterility, subjective, subordinate, subordination, substantive, successive, suivant, supervise, supremacy, swiftly, syllabus, symbolic, systematic, systematization, systematize, teil, tempest, temporarily, testify, theoretical, theoretically, theorique, thesis, tort, totally, traduit, trait, transform, transformation, transitional, tribunal, turbulent, ultimately, uncertainty, undergo, unequal, unify, unjust, unnecessary, unnotice, unrhetorical, usurp, utilitarianism, validity, vigour, violently, virulent, vols, westerly, wholesale, withdraw, writ, xenophobic, zenith.

(Textbook C) 297 lexical items

abuse, access, accord, account, accredit, achievement, adherence, admissible, advisory, advocacy, advocate, affiliate, aggregate, agricultural, alignment, allege, allocate, allocation, alteration, anti, antique, antitrust, apt, arbitration, aspiration, attribute, austerity, autonomous, autonomy, awareness, banking, barrier, barter, basically, bilateral, boost, breach, bureaucracy, buyer, bylaws, capitalist, certify, charter, classification, classify, clause, client, collectively, commisioner, company, comparatively, conciliation, conclude, conditional, conflict, consultant, conversion, corporate, countertrade, countervail, criterion, currency, curtailment, dealer, debtor, default, defer, deferral, delegate, depentency, detriment, devastate, device, dialogue, diminish, disappoint, disastrous, dislocation, disparity, disruption, dissimilar, dissipate, distortion, distributor, diversity, dormant, dump, efficiently, elimination, emergence, enact, encounter, entity, enumerate, environmental, equity, evolve, exclude, exclusively, executive, exemption, exotic, expertise, expropriation, extensively, extraterritorial, facilitate, factionalism, foresee, forum, generalize, generate, generic, global, guarantee, hallmark, harmonization, haulage, hemisphere, hesitation, hobbyist, hopefully, hourly, hybrid, hydroelectric, hypothetical, identifiable, illusive, illustration, imbalance, immunity, impede, impediment, implement, implementation, implication, impose, incorporate, incorporation, independently, informal, infrastructure, initially, introductory, invaluable, investor, ironically, irrespective, judicial, jurisdiction, labour, laudible, leaseback, letterhead, licensor, link, linkage, litigation, loosely, loss, maine, mandate, manufacture, marginal, marxis, maze, mini, minority, monetary, multi, multilateral, multinational, nationality, navigation,

solicitor, specially, squatter, statute, statutory, stipendiary, straightforward, submission, substantive, successor, sue, sufficiently, suitor, summarily, supersede, synonymous, technically, technologist, temperamentally, terminology, testator, theft, theoretically, throne, tort, tortuous, tortus, traditionally, traverse, trespass, trasspasser, triable, tribunal, trustee, trustent, ultimately, understandable, unexcite, unfair, unify, unpay, unqualify, usage, usher, versus, vest, violation, walker, wedge, writ, wrongful, wrung.

(Textbook B) 320 lexical items

abandon, abolish, abolition, abridge, abrogate, abrogation, accessible, accordance, adaption, adhere, adminster, adviser, advocate, alienate, allegemeiner, alphabetique, altogether, amalgamate, analyse, annex, anti, antiquate, antiquity, appellate, applicability, appropriateness, arbitration, assert, authentic, authorative, boldest, briefly, cassation, caustic, cautiously, channel, characterise, civilian, clerical, closer, codification, codify, coherent, collaboration, collective, commentary, complier, complacency, complementary, comprise, compromise, conciliation, conform, congratulate, continuity, contractual, contradict, contributor, coordination, cour, craftsmanship, creator, criticise, customary, debtor, decisive, declare, dichotomy, digest, delogation, disobedience, disorderly, dispose, disrupt, dissatisfy, disseminate, distinctly, disuse, diversify, doctrinaire, doctrinal, domain, economically, elusive, embark, eminent, emperor, encyclopedia, entrust, equally, equity, erudition, essentially, evolution, exaggrate, exclude, exclusively, exegesis, exegete, exegetical, existent, exorbitant, explicit, explication, expressly, extremism, extricate, faithfully, fatal, fetishism, feudal, fircely, founder, fragment, fundamentally, fuse, gain, headway, hierarchy, homologate, hypothetical, identical, ideological, immobility, immovable, imperial, implement, impose, improbable, inaugural, inaugurate, incorporate, individualism, inevitably, inexorably, influential, inherit, initiate, innovate, innovation, innovative, inn, insovent, inspector, integrate, internationally, interpretation, intrisically, introductory, invoke, irrelevant, judicature, judicial, judiciary, jurisdiction, jurisprudence, jurist, laurent, legislative, legislator, legislature, literal, litigant, magistrate, mandate, masterpiece, matrimonial, meaningless, measure, medieval, mentality, merge, mistrust, mitigate, mode, modernization, monopoly, motto, nationalistic, obsseion, obsolete, occupier, officially, onward, openly, ordeal, organ, orientate, oversee, overturn, overview, paradox, parliament, paterfamily, patriotically, peculiarity, pedantic, pierce, planiol, plead, polemic, politically, positivism, positivist, positivistic, posthumous, practioner, pratique, precedent, precisely, predecessor, predominant, preference, preliminary, preparatory, prescribe,

negotiate, negotiation, neighbour, nonalign, nonmarket, nontariff, norm, notable, notably, oboist, obstacle, occasionally, offset, orchid, originally, outer, overlap, ownership, participant, participate, participation, partnership, payment, penetrate, perpetuate, persistent, persuasive, pervasive, politely, poorset, posture, potentially, preclusion, predictability, preference, presentation, principally, prior, privatisation, procurement, producer, prominent, pronouncement, properly, prospective, province, purchaser, rarely, reciprocal, reciprocity, reconstruction, reed, referral, regionalization, regrettably, regulatory, reliance, reluctant, render, repatriate, representation, requirement, resale, resort, restrict, restrictiveness, retail, retailer, retailiatory, revise, sector, sectoral, seller, shipbuild, socialist, solely, sovereign, specially, sphere, stability, stabilization, stature, statute, strict, stricturess, subsidiary, subsidy, subsidize, substantive, sue, sufficiently, supplant, surplus, supportive, symphony, tariff, testinomy, tightly, trader, transaction, transit, transnational, transpire, transport, treasury, tropic, tropical, turbiness, turf, undertake, undoubtedly, unduly, unenthusiastic, unitarily, unjustify, unlikely, unwillingness, usefulness, venture, violate, visa, wholly, worldwide.

(Textbook D) 84 lexical items

accordingly, accure, aforesaid, allegation, allege, amongst, answerable, applicable, argumentative, authorise, avail, averment, avert, avoidance, bard, bas, bow, bruise, carelessly, carelessness, collision, concur, confess, confession, consistent, correctness, cdeclaration, declare, default, defence, defendant, demurrer, detain, determination, direction, discern, disclose, dispense, diver, fracture, grievance, hitherto, ibid, improper, improperly, inconsistent, intoxicate, junction, larger, liable, lawfully, liable, negation, negligence, negligent, niece, obstruct, obstruction, parcel, payment, plaintiff, plea, preclude, purposely, render, replication, repugnant, residue, respectively, retention, shew, specially, sub, sue, sufficiently, superflous, sustain, tile, unjustly, unpay, verdict, verification, violently, wolly.

collectively, commission, commissioner, conciliation, conditional, congress, consultant, counsel, countertrade, countervail, curtailment, dealer, debtor, default, defer, deferral, dependency, detriment, devastate, dialogue, dislocation, disparity, dissimilar, dissipate, diversify, document, dollar, dormant, draft, dump, effective, employee, enact, encyclopedia, enterprise, entity, enumerate, equity, evidency, exemption, exotic, expertise, expiration, expropriation, extraterritorial, factionalism, foresee, forum, framework, future, gallery, generic, global, hallmark, haulage, headquarter, hemisphere, hobbyist, host, hourly, hybrid, hydroelectric, identifiable, illusive, imbalance, impede, impediment, implication, improvement, increasingly, infrastructure, introductory, ironically, irrespective, judicial, jurisdiction, laudible, leaseback, letterhead, licensor, linkage, litigation, loosely, maine, mandate, marxis, maze, membership, mini, minister, modest, monetary, multi, multilateral, multinational, nationality, nonalign, nonmarket, nontariff, norm, notably, oboist, offset, orchestra, orchid, orient, orientation, outer, panel, past, payment, percent, perpetuate, perspective, pervasive, possibly, posture, pound, preclusion, presentation, privatisation, procurement, prominent, pronouncement, prospective, reciprocal, reciprocity, reconstruction, reed, regionalization, regulatory, reliance, reluctant, repatriate, representation, resale, resolution, resolve, resort, restrictiveness, retail, retailer, retailiatory, sectoral, seller, shipbuild, solely, sovereign, sphere, stabilization, stature, subsidy, subsidize, sue, supplant, supportive, surplus, symphony, tariff, testinomy, transnational, transpire, treasury, treaty, truck, turf, undoubtedly, unduly, unenthusiastic, unitarily, unjustify, unlikely, usefulness, valuation, violate, visa, welcome, western, wholly, wood, worldwide.

(Textbook D) 82 lexical items

accordingly, accuse, aforesaid, allegation, allege, amongst, applicable, argumentative, authorise, averment, avert, avoidance, bard, bas, bow, bruise, candle, carelessness, carriage, cast, chamber, collision, concur, correctness, court, deed, default, defendant, demurrer, detain, discern, disclose, exercise, fracture, greatly, grievance, highway, hitherto, hut, ibid, improper, improperly, inconsistent, intoxicate, judgment, jury, larger, lawfully, log, lord, negation, negligence, negligent, negligently, niece, obstruct, obstruction, payment, plaintiff, plea, pole, preclude, prima, purposely, rail, reasonable, replication, repugnant, residue, retention, shew, stumble, sub, sue, tile, undoubtedly, unjustly, unpay, verdict, verification, wholly, yard.

Appendix 6.1: General survey of English language teaching in the Department of Law in Keio University – Comparative analysis with students' view

1. A statistical overview of the respondents' personal backgrounds

Date	Number
(Total respondents : —	213)
(1st. year students: July in 1993	122)
(3rd. year students: October in 1993	45)
(4th. year students: October in 1993	46)

Q.1 Sex :

	1 st.	3 rd.	4 th.	Students Total
Respondents	122	45	46	213
1. male	82 (67.2%)	33 (73.3%)	33 (71.7%)	148 (69.5%)
2. female	40 (32.8%)	12 (26.7%)	13 (28.3%)	65 (30.5%)

Q.2 Age for 1st year students, Grade for 3rd and 4th year students.

	1 st.	3 rd.	4 th.	Students Total
Respondents	122	45	46	213
1. <u>18</u> years old	76 (62.3%)	—	—	76 (35.7%)
2. <u>19</u> years old	34 (27.9%)	—	—	34 (16.0%)
3. <u>20</u> years old	11 (9.0%)	—	—	11 (5.1%)
4. <u>21</u> years old	0 (0 %)	—	—	0 (0 %)
5. <u>older than 22</u>	1 (8.2%)	—	—	1 (4.7%)
6. <u>3rd</u> year student	—	45 (100.0%)	—	45 (21.1%)
7. <u>4th</u> year student	—	—	46 (100.0%)	46 (22.0%)

Q.3 High School: (please select 5 if you graduated from a technical college)

	1 st.	3 rd.	4 th.	Students Total
Respondents	122	45	46	213
1. <u>National</u> High School	2 (1.7%)	3 (6.7%)	0 (0 %)	5 (2.3%)
2. <u>Public</u> High School	46 (38.7%)	14 (31.1%)	24 (52.2%)	84 (39.4%)
3. <u>Private</u> High School	71 (60.0%)	18 (40.0%)	20 (43.5%)	109 (51.2%)
4. High School in <u>foreign countries</u>	0 (0 %)	10 (15.6%)	2 (4.3%)	12 (5.6%)
5. Other.	3 (2.5%)	0 (0 %)	0 (0 %)	3 (1.4%)

Q.4 (to a returnee) "How long have you stayed there?" [Please sum them up if you have ever experienced more than twice.]

	1 st.	3 rd.	4 th.	Students Total
Respondents	22	21	17	60
1. <u>within 3</u> months	11 (50.0%)	4 (19.0%)	4 (23.5%)	19 (31.7%)
2. <u>within 6</u> months	1 (4.5%)	0 (0 %)	1 (5.9%)	2 (3.3%)
3. <u>within 1</u> year	1 (4.5%)	2 (9.5%)	5 (29.4%)	8 (13.3%)
4. <u>within 2</u> years	1 (4.5%)	0 (0 %)	0 (0 %)	1 (1.7%)
5. <u>longer than 2</u> years	8 (36.4%)	15 (71.4%)	7 (41.2%)	30 (50.0%)

Q.5 (to a person who answered Question 4) "When did your stay finish?"

Respondents	1 st.	3 rd.	4 th.	Students Total
	22	21	15	58
1. before entrance to elementary school	2 (9.1%)	0 (0 %)	1 (6.7%)	3 (5.2%)
2. during elementary school	4 (18.2%)	5 (23.8%)	2 (13.3%)	11 (19.0%)
3. during a junior high	7 (31.8%)	1 (4.8%)	4 (26.7%)	12 (20.7%)
4. during a high school	9 (40.9%)	12 (57.1%)	5 (33.3%)	26 (44.8%)
5. during university	0 (0 %)	4 (19.0%)	4 (26.7%)	8 (13.3%)
Answers	22	22	16	60

Q.6 (to a person who answered Question 5) "Which country have you been to?" [You can answer more than two.]

Respondents	1 st.	3 rd.	4 th.	Students Total
	22	21	14	57
1. U.S.A.	10 (45.5%)	15 (71.4%)	6 (42.9%)	31 (54.4%)
2. U.K.	3 (13.6%)	2 (9.5%)	3 (21.4%)	8 (14.0%)
3. Germany	1 (4.5%)	2 (9.5%)	1 (7.1%)	4 (7.0%)
4. France	1 (4.5%)	0 (0 %)	1 (7.1%)	2 (3.5%)
5. Other.	17 (59.1%)	6 (28.6%)	6 (42.9%)	29 (50.9%)
Answers	32	25	17	74

5. Other		1 st.	3 rd.	4 th.	Students Total
	1. Argentina	1	—	1	2
	2. Australia	1	2	—	3
	3. Austria	—	1	—	1
	4. Brasil	3	—	—	3
	5. Canada	—	2	1	3
	6. China	1	—	—	1
	7. Greece	1	—	—	1
	8. Hong Kong	—	—	1	1
	9. Indonesia	1	—	1	2
	10. Ireland	1	—	—	1
	11. Mexico	1	—	—	1
	12. New Zealand	3	—	1	4
	13. Spain	2	—	—	2
	14. Switzerland	—	—	1	1
	15. Thailand	—	1	—	1
	16. Other	2	—	—	—
	Answers	17	6	6	29

Q.7 "Which area in legal studies would you like to major in?"(1st year student)

"Which area in legal studies have you majored in?"(3rd & 4th year student)

Respondents	1 st. 122	3 rd 45	4 th. 46	Students total 213
1.Civil Law	37 (30.3%)	—	—	37 (17.4%)
2.Public Law	15 (12.3%)	—	—	15 (7.0%)
3.I have not decidedyet.	70 (57.4%)	—	—	70 (32.9%)
4.EC law	—	13 (28.9%)	—	13 (6.1%)
5.International Contract law	—	11 (24.4%)	11 (42.9%)	22 (10.3%)
6.Company Law	—	21 (46.7%)	16 (42.9%)	37 (17.4%)
7.History of Japanese Law	—	—	1 (42.9%)	1 (0.5%)
8.Labour Law	—	—	12 (42.9%)	12 (5.6%)

2. English Language Learning in Keio University (Present & Past):

Present for 1st year students & Past for 3rd and 4th year students

Q.8 class:

Year Class	Respondents	1 st.	3 rd.	4 th.	Students Total
		22	45	46	213
1. 1 A		28 (16.4%)	5 (10.9%)	0 (0 %)	—
2. 1 B		0 (0 %)	5 (10.9%)	0 (0 %)	—
3. 1 C		0 (0 %)	5 (10.9%)	8 (17.4%)	—
4. 1 D		0 (0 %)	2 (4.3%)	4 (8.7%)	—
5. 1 E		0 (0 %)	3 (6.7%)	4 (8.7%)	—
6. 1 F		0 (0 %)	0 (0 %)	2 (4.3%)	—
7. 1 G		0 (0 %)	0 (0 %)	1 (2.2%)	—
8. 1 H		0 (0 %)	1 (2.2%)	2 (4.3%)	—
9. 1 I		22 (18.1%)	1 (2.2%)	4 (8.7%)	—
10. 1 J		1 (0.8%)	1 (2.2%)	1 (2.2%)	—
11. 1 K		0 (0 %)	1 (2.2%)	3 (6.5%)	—
12. 1 L		0 (0 %)	3 (6.7%)	1 (2.2%)	—
13. 1 M		1 (0.8%)	4 (8.9%)	1 (2.2%)	—
14. 1 N		0 (0 %)	3 (6.7%)	4 (8.7%)	—
15. 1 O		11 (9.0%)	0 (0 %)	3 (6.5%)	—
16. 1 P		27 (22.1%)	0 (0 %)	4 (8.7%)	—
17. 1 Q		20 (16.4%)	9 (20.0%)	2 (4.3%)	—
18. 1 R		12 (9.8%)	0 (0 %)	0 (0 %)	—
19. 1 B (Dept.of Political Science)			1 (2.2%)	—	—
20. 1 Q (Dept.of Political Science)			1 (2.2%)	—	—

Q.9 (to a person who answered to Question 8) From now on, please answer about your compulsory English Language Lessons in the 1st year. "Which skill is(was) it focused on?":

Respondents	1 st.	3 rd.	4 th.	Students Total
	122	45	46	213
1. Listening & Speaking	31 (25.4%)	10 (22.2%)	11 (23.9%)	52 (24.4%)
2. Reading	42 (34.4%)	29 (64.4%)	29 (63.0%)	100 (46.9%)
3. Writing	38 (31.1%)	1 (2.2%)	4 (8.7%)	43 (20.2%)
4. Intergrated Skills	25 (20.5%)	7 (5.6%)	7 (15.2%)	39 (18.3%)
Answers	136	47	51	234

Q.10 (to a person who answered to Question 9) "Are you satisfied with the English language Lesson?":

Respondents	1 st.	3 rd.	4 th.	Students Total
	22	45	46	213
1. I'm not satisfied at all.	2 (1.6%)	8 (17.7%)	8 (17.4%)	18 (8.5%)
2. I'm not very satisfied.	10 (8.2%)	7 (15.6%)	10 (21.7%)	27 (12.7%)
3. I'm not sure.	45 (36.9%)	15 (33.3%)	20 (43.5%)	80 (37.6%)
4. I'm a little satisfied.	31 (25.4%)	9 (20.0%)	3 (6.5%)	43 (20.2%)
5. I'm very satisfied.	34 (27.9%)	6 (13.3%)	5 (10.9%)	45 (21.1%)

Q.11 (to a person who answered 1 to Question 9) *Listening & Speaking Skill* "Which kinds of activity should be concentrated on the English Language Lesson?"[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students Total
Respondents	31	16	16	63
1. Dictation	11 (35.5%)	5 (31.3%)	7 (43.8%)	23 (36.5%)
2. Daily conversation	8 (25.8%)	8 (50.0%)	5 (31.3%)	21 (33.3%)
3. Speech	1 (3.2%)	1 (6.3%)	4 (25.0%)	6 (9.5%)
4. Discussion	7 (22.6%)	5 (20.0%)	5 (31.3%)	17 (27.0%)
5. Other.	17 (54.8%)	2 (13.3%)	0 (0 %)	19 (30.2%)
Answers	44	21	21	86

Q.12 (to a person who answered 2 for Question 9) *Reading Skill* "Which kinds of activity should be concentrated on the English Language Lesson?"[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students Total
Respondents	42	30	35	107
1. Translation practice	8 (19.0%)	3 (10.0%)	2 (6.1%)	13 (12.1%)
2. To grasp the <u>main ideas</u> of the passages by <u>rapid reading</u>	10 (23.8%)	9 (30.0%)	4 (12.1%)	23 (21.5%)
3. To understand the <u>content</u> in <u>English</u>	10 (23.8%)	16 (53.3%)	24 (72.7%)	50 (46.7%)
4. Other.	20 (47.6%)	6 (37.5%)	5 (15.2%)	31 (29.0%)
Answers	48	34	35	117

Q.13 (to a person who answered 3 to Question 9) *Writing Skill* "Which kinds of activity should be concentrated on the English Language Lesson?"[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students Total
Respondents	38	3	11	52
1. Translation from Japanese into English	8 (21.1%)	1 (33.3%)	2 (18.2%)	11 (21.2%)
2. Free writing	11 (28.9%)	0 (0 %)	1 (9.1%)	12 (23.1%)
3. An all-round synthesized training in sentence patterns and expressions	8 (23.1%)	1 (33.3%)	7 (63.6%)	16 (30.8%)
4. To understand English grammar	3 (10.7%)	0 (0 %)	0 (0 %)	3 (5.8%)
5. Other.	26 (68.4%)	2 (66.7%)	1 (9.1%)	29 (55.8%)
Answers	56	4	11	71

Other. I'm not sure. (3rd.)

Q.14 "How do you feel about the quantity of the English Language Lessons (materials & methodologies)?":

	1 st.	3 rd.	4 th.	Students Total
Respondents	122	45	46	213
1. too much	9 (7.3%)	4 (8.9%)	5 (10.9%)	18 (8.5%)
2. appropriate	102 (83.6%)	32 (71.1%)	22 (47.8%)	156 (73.2%)
3. too little	11 (19.0%)	9 (20.0%)	19 (41.3%)	39 (18.3%)

Q.15 "What is (was) your attitude toward the English Language Lessons as a whole?":

Respondents	1 st.	3 rd.	4 th.	Students Total
	122	45	46	213
1. <u>deeply</u> negative	9 (7.4%)	4 (8.9%)	9 (19.6%)	22 (10.3%)
2. <u>a little</u> negative	13 (10.7%)	13 (28.9%)	9 (19.6%)	35 (16.4%)
3. I'm <u>not sure</u> .	44 (36.1%)	20 (44.4%)	15 (32.6%)	79 (37.1%)
4. <u>a little</u> positive	47 (38.5%)	8 (17.8%)	11 (23.9%)	66 (15.5%)
5. <u>highly</u> positive	9 (7.4%)	0 (0 %)	2 (4.3%)	11 (5.2%)

Q.16 (to a person who answered 4 or 5 to Question 15) "Why are (were) you satisfied with the English Language Lesson?" [You can answer more than two.]:

Respondents	1 st.	3 rd.	4 th.	Students Total
	56	8	13	77
1. I <u>like</u> English.	28 (50.0%)	4 (50.0%)	9 (69.2%)	41 (53.2%)
2. English is <u>important</u> .	22 (39.3%)	1 (12.5%)	1 (7.7%)	24 (31.2%)
3. The English <u>lessons</u> are <u>interesting</u> .	3 (5.4%)	1 (12.5%)	2 (15.4%)	6 (7.8%)
4. I like the <u>teacher</u> of English.	19 (33.9%)	2 (25.0%)	3 (23.1%)	24 (31.2%)
5. I would like to get <u>high grades</u> .	12 (21.4%)	3 (37.5%)	4 (30.1%)	19 (24.7%)
Answers	84	11	19	114

Other. 1. Interesting. (1st)

Q.17 (to a person who answered 1 or 2 to Question 15) "Why are (were) you not satisfied with the English Language Lesson?" [You can answer more than two.]:

Respondents	1 st.	3 rd.	4 th.	Students Total
	22	17	18	57
1. I <u>do not</u> like English.	8 (36.4%)	2 (11.8%)	4 (22.2%)	14 (24.6%)
2. English is <u>not</u> important.	2 (9.1%)	0 (0 %)	0 (0 %)	2 (3.5%)
3. The English lessons are <u>not</u> interesting.	9 (40.9%)	13 (76.5%)	15 (83.3%)	37 (64.9%)
4. I <u>do not</u> like the teacher of English.	1 (4.5%)	3 (17.6%)	1 (5.6%)	5 (8.8%)
5. I <u>cannot understand</u> the lessons.	2 (9.1%)	3 (17.6%)	1 (5.6%)	6 (10.5%)
Answers	22	21	21	64

Other. 1. I have no time to prepare for the lesson. (1st.)

2. It is not uninteresting. (1st.)

3. I feel very sleepy. (1st.)

4. I'm not sure. (3rd.)

Q.18. (to a person who answered 3 to Question 15) "Why do you answer neither positively nor negatively?" [You can answer more than two.]:

Respondents	1 st.	3rd.	4 th.	Students Total
	44	20	15	79
1. The level of the lesson is(was) <u>too high</u> .	7 (15.9%)	6 (30.0%)	0 (0 %)	13 (16.5%)
2. The level of the lesson is(was) <u>too low</u> .	1 (2.3%)	2 (10.0%)	5 (33.3%)	8 (10.1%)
3. The <u>materials</u> are(were) not good.	14 (31.8%)	4 (20.0%)	6 (40.0%)	24 (30.8%)
4. The <u>methodologies</u> are (were) not good.	4 (9.1%)	3 (15.0%)	1 (6.7%)	8 (10.1%)
5. I cannot learn the English lesson which <u>I would like to learn</u> , for example, conversation or writing.	21 (47.7%)	9 (45.0%)	8 (53.3%)	38 (48.1%)
Answers	47	24	20	91

Other 1. I'm not interested in English. (1st.)

Q.19 "Which point do you think should be improved at first?":

Respondents	1 st.	3rd.	4 th.	Students Total
	122	45	46	213
1. Materials	28 (23.0%)	9 (20.0%)	7 (15.2%)	44 (20.7%)
2. Teaching Methodologies	29 (23.8%)	11 (24.4%)	21 (45.7%)	61 (28.6%)
3. ×××	44 (36.1%)	9 (20.0%)	9 (19.6%)	62 (29.1%)
4. Class size	18 (14.8%)	13 (28.9%)	6 (13.0%)	37 (17.4%)
5. The quality of the teacher of English	5 (4.1%)	4 (8.9%)	4 (8.7%)	13 (6.2%)
Answers	124	46	47	217

Q.20 "How often does (did) a Japanese teacher of English carry on the English lessons with questions, answers and explanations in English?":

Respondents	1 st.	3rd.	4 th.	Students Total
	122	45	46	213
1. <u>never</u> uses English at all	12 (9.8%)	7 (15.6%)	7 (15.2%)	26 (12.2%)
2. <u>not uses</u> English very often	53 (43.4%)	22 (48.9%)	21 (45.7%)	96 (45.1%)
3. I'm <u>not sure</u> .	53 (43.4%)	9 (20.0%)	15 (32.6%)	77 (36.2%)
4. <u>sometimes</u> uses English	4 (3.3%)	4 (8.9%)	0 (0 %)	8 (3.8%)
5. <u>always</u> uses English	0 (0 %)	3 (6.7%)	3 (6.5%)	6 (2.8%)

Q.21. "Would you like to learn English with a foreign teacher?"

Respondents	1 st.	3rd.	4 th.	Students Total
	122	45	46	213
1. Yes.	64 (52.4%)	32 (71.1%)	36 (78.3%)	132 (62.0%)
2. No.	17 (13.9%)	3 (6.7%)	1 (2.2%)	21 (9.9%)
3. I'm not sure.	41 (33.6%)	10 (22.2%)	9 (19.6%)	60 (28.2%)

Q.22. You have already categorized four patterns in Question 9 :Listening & Speaking, Reading, Writing and Intergrated skills. "What do you think about the materials in the English language Lessons?":

	1 st.	3 rd.	4 th.	Students Total
Respondents	122	45	46	213
1. <u>terribly not</u> interesting	8 (6.6%)	6 (13.3%)	4 (8.7%)	18 (8.5%)
2. <u>not very</u> interesting	24 (19.7%)	9 (20.0%)	15 (32.1%)	48 (22.5%)
3. I'm <u>not sure</u> .	68 (55.7%)	21 (46.7%)	15 (32.1%)	104 (48.8%)
4. <u>a little</u> interesting	19 (15.6%)	6 (13.3%)	8 (17.4%)	33 (15.5%)
5. <u>very</u> interesting	3 (2.5%)	3 (6.7%)	4 (8.7%)	10 (4.5%)

Q.23. (to a person who answered to Question 22) "What do you think about the level of the materials?":

	1 st.	3 rd.	4 th.	Students Total
Respondents	122	45	46	213
1. <u>very</u> easy	10 (18.2%)	3 (6.7%)	4 (8.7%)	17 (8.0%)
2. <u>a little</u> easy	25 (20.5%)	9 (20.0%)	6 (13.0%)	40 (18.8%)
3. I'm <u>not sure</u> .	71 (58.2%)	19 (42.2%)	28 (60.1%)	118 (55.4%)
4. <u>rather</u> difficult	13 (10.7%)	11 (24.4%)	7 (15.2%)	31 (14.6%)
5. <u>too</u> difficult	3 (2.5%)	3 (6.7%)	1 (2.2%)	7 (3.3%)

3. English language learning in Keio University (future)

Q.24. "Do you think that students in the faculty of Law should study English?":

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Yes.	98 (80.3%)	38 (84.4%)	36 (78.3%)	172 (80.8%)
2. No.	11 (9.0%)	2 (4.4%)	1 (2.2%)	14 (6.6%)
3. I'm <u>not</u> sure.	13 (10.7%)	5 (11.1%)	9 (19.6%)	27 (12.7%)

Q.25. (to a person who answered 2 to Question 24) "Why is English Language Lesson "No"?
[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students total
Respondents	11	2	1	14
1. In the future, English will <u>not</u> be <u>important</u> .	4 (36.4%) 4 (36.4%)	0 (0 %) 0 (0 %)	0 (0 %) 0 (0 %)	4 (28.6%) 4 (28.6%)
2. <u>High school English</u> is enough.	3 (27.3%)	0 (0 %)	0 (0 %)	3 (21.4%)
3. English taught in <u>university</u> level is <u>useless</u> .	3 (27.3%)	1 (50.0%)	1 (100.0%)	5 (35.7%)
4. I would like to focus on the <u>specific subject(law)</u> .	3 (27.3%)	0 (0 %)	0 (0 %)	3 (21.4%)
5. Other.	1 (9.1%)	1 (50.0%)	0 (0 %)	2 (14.3%)
Answers	14	2	1	17

Q.26. "What should be the main purpose of the English Language Lessons in a Department of Law
in Keio University?"[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. <u>Communication</u> through English	96 (78.7%)	33 (73.3%)	41 (89.1%)	170 (79.8%)
2. <u>Internationalization</u>	40 (32.8%)	12 (26.7%)	9 (19.6%)	61 (28.6%)
3. gaining knowledge of <u>western culture</u>	23 (18.9%)	9 (20.0%)	9 (19.6%)	41 (19.2%)
4. useful for <u>specilized</u> <u>courses</u> in Legal Subjects	12 (9.8%)	5 (11.1%)	5 (10.1%)	22 (10.3%)
5. Other.	3 (2.5%)	0 (0 %)	0 (0 %)	3 (1.4%)
Answers	174	59	64	297

Q.27. "Which skill of yours has improved since your entrance to Keio university?":

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Listening skill	41 (33.6%)	6 (13.3%)	11 (23.9%)	58 (27.2%)
2. Speaking skill	87 (71.3%)	8 (17.8%)	9 (19.6%)	104 (48.8%)
3. Reading skill	7 (5.7%)	3 (6.7%)	8 (17.4%)	18 (8.5%)
4. Writing skill	6 (4.9%)	3 (6.7%)	1 (2.2%)	10 (4.7%)
5. I have <u>not</u> improved <u>at</u> <u>all</u> .	10 (8.2%)	27 (60.0%)	24 (52.2%)	61 (28.6%)
Answers	151	47	53	251

Q.28. "Which skill has deteriorated since your entrance to Keio university?":

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Listening skill	46 (37.7%)	7 (15.6%)	7 (15.2%)	60 (28.2%)
2. Speaking skill	86 (70.5%)	16 (35.6%)	13 (28.3%)	115 (54.0%)
3. Reading skill	13 (10.7%)	17 (37.8%)	19 (41.3%)	49 (23.0%)
4. Writing skill	19 (15.6%)	16 (35.6%)	16 (34.5%)	51 (23.9%)
5. I have <u>not</u> fallen <u>at all</u> .	3 (2.5%)	4 (8.9%)	9 (19.6%)	16 (7.5%)
Answers	167	60	64	291

Q.29. "Which skill would you like most highly to focus on in the Liberal Arts Subjects?"[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Listening skill	27 (22.1%)	5 (11.1%)	9 (19.6%)	41 (19.2%)
2. Speaking skill	80 (65.6%)	31 (68.9%)	31 (67.4%)	142 (66.7%)
3. Reading skill	14 (11.5%)	6 (13.3%)	4 (8.7%)	24 (11.3%)
4. Writing skill	2 (1.6%)	3 (6.7%)	6 (13.0%)	11 (5.2%)
Answers	123	45	46	214

Q.30. "What level in each skill should be aimed at?"

Q.30. (1) *Listening skill*:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1.can listen and understand English in a <u>junior high school English or Achievement Test for 3rd grade.</u>	5 (4.1%)	1 (2.2%)	2 (4.3%)	8 (3.8%)
2.can listen and understand English in a <u>high school or English Achievement Test for 2nd grade</u>	38 (31.1%)	19 (42.2%)	16 (34.8%)	73 (34.3%)
3.can listen and understand English through <u>western TV, Movies, FEN, BBC. or etc..</u>	79 (64.8%)	25 (55.6%)	28 (60.1%)	132 (62.0%)

Q.31. (2) *Speaking skill*:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. can communicate in a <u>beginner's level</u>	21 (17.2%)	13 (28.9%)	9 (19.6%)	43 (20.2%)
2. can communicate <u>fluently</u>	88 (72.1%)	26 (57.8%)	29 (63.0%)	143 (67.1%)
3. can <u>debate</u>	13 (10.7%)	6 (13.3%)	8 (17.4%)	27 (12.7%)

Q.32. (3) *Reading skill* (without an English-Japanese Dictionary):

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. can read an <u>easy novel</u> .	18 (14.8%)	10 (22.2%)	9 (19.6%)	37 (17.4%)
2. can read <u>newspapers or journals</u>	96 (78.8%)	34 (75.6%)	37 (80.4%)	167 (78.4%)
3. can read a <u>specialized book(law)</u>	8 (6.6%)	1 (2.2%)	0 (0 %)	9 (4.2%)

Q.33. (4) *Writing skill* :

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. can write a <u>letter</u>	45 (36.9%)	21 (46.7%)	18 (39.1%)	84 (39.4%)
2. can write some <u>paragraphs</u> which might be essential for work	69 (56.6%)	23 (51.1%)	27 (58.7%)	119 (55.9%)
3. can write an <u>essay</u> concerned with the specialized area	8 (6.6%)	1 (2.2%)	1 (2.2%)	10 (4.7%)

Q.34. "What is the biggest problem in the English Language lessons in Keio University?"[You can answer more than two.]:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. The <u>class size</u> is too big.	29 (23.8%)	19 (42.2%)	15 (32.6%)	63 (29.6%)
2. The teaching <u>methdologies</u> are <u>not skillful</u> .	47 (38.5%)	27 (60.0%)	24 (52.2%)	98 (46.1%)
3. I <u>cannot select a skill</u> which I would like to learn.	46 (37.7%)	23 (51.1%)	23 (50.0%)	93 (43.7%)
4. I cannot learn English by a <u>foreigner</u> .	21 (17.2%)	8 (17.8%)	7 (15.2%)	36 (16.9%)
5. Other.	19 (15.6%)	3 (6.7%)	5 (10.9%)	27 (12.7%)
Answers	162	80	74	316

- 34.5.1. I have no time to study. (1st)
- The system itself is bad. (1st)
- The materials are not good.(1st)
- Because I am not familiar with the meaning of the words, almost all the lessons might be concentrated on just consulting a dictionary.(3rd)
- The number of the lesson hours and times is significant small.(4th,
- Both teachers and students are not motivated. (4th)
- Some students are not motivated. (4th)

Q.35. Please consider the English Language Learning in Department of Law as a subject in the Special Arts Subjects, "What do you think about the following questions?"

(1) English Language lessons should be studied for all the four years of university.:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Agree.	77 (63.1%)	27 (60.0%)	29 (63.0%)	133 (29.6%)
2. Disagree..	16 (13.1%)	5 (11.1%)	6 (13.0%)	27 (12.7%)
3. I'm not sure	29 (27.9%)	13 (28.9%)	11 (23.9%)	53 (24.9%)

Other. 1. Keio University has already begun this system.(4th)

Q.36. (2) English language lessons should be elective courses:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Agree.	72 (59.0%)	26 (57.8%)	26 (56.5%)	124 (58.2%)
2. Disagree.	16 (13.1%)	8 (17.8%)	6 (13.0%)	30 (14.1%)
3. I'm not sure.	34 (27.9%)	11 (24.4%)	14 (30.4%)	59 (27.7%)

Q.37. (3) English Language lessons should be divided into four skills such as Listening, Speaking, Reading or Writing:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Agree	91 (74.6%)	34 (75.6%)	28 (60.9%)	153 (71.3%)
2. Disagree	5 (4.1%)	4 (8.9%)	3 (6.5%)	12 (14.1%)
3. I'm not sure.	26 (21.3%)	7 (15.6%)	15 (32.6%)	48 (22.5%)

Q.38. (4) Students should be streamed for English Language lessons into three levels such as Beginners, Intermediate or Upper class.:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Agree	97 (79.5%)	31 (68.9%)	29 (63.0%)	157 (73.7%)
2. Disagree	3 (2.5%)	4 (8.9%)	3 (6.5%)	10 (4.7%)
3. I'm not sure.	22 (18.0%)	10 (22.2%)	14 (30.4%)	46 (21.6%)

Q.39. (5) After passing the equivalency examination, the student should get a credit for the English course.:

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Agree	45 (36.9%)	22 (48.9%)	15 (32.6%)	82 (38.5%)
2. Disagree	45 (36.9%)	10 (22.2%)	14 (30.4%)	69 (32.4%)
3. I'm not sure.	32 (26.2%)	13 (28.9%)	17 (37.0%)	62 (29.1%)

Q.40. "How many students should there be in an English class?":

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. less than 20	70 (57.4%)	34 (75.6%)	36 (78.3%)	140 (65.7%)
2. 21~30	41 (33.6%)	6 (13.3%)	10 (21.7%)	57 (26.8%)
3. 31~40	9 (7.4%)	4 (8.9%)	0 (0 %)	13 (6.1%)
4. 41~50	0 (0 %)	1 (2.2%)	0 (0 %)	1 (0.5%)
5. more than 51	2 (1.6%)	0 (0 %)	0 (0 %)	2 (0.9%)

Q.41. Regarding foreign language learning, "what is the ideal situation?"

	1 st.	3 rd.	4 th.	Students total
Respondents	122	45	46	213
1. Only English is compulsory.	9 (7.4%)	3 (6.7%)	7 (15.2%)	19 (8.9%)
2. English is compulsory, while the other language is elective.	32 (26.2%)	11 (24.4%)	12 (26.1%)	55 (25.8%)
3. One foreign language is compulsory among all the foreign languages.	19 (15.6%)	10 (22.2%)	6 (13.0%)	35 (16.4%)
4. Two foreign languages are compulsory, including English.	23 (18.9%)	5 (11.1%)	6 (13.0%)	34 (16.0%)
5. All the foreign languages are selective.	39 (32.0%)	16 (35.6%)	15 (32.6%)	70 (32.9%)

4. English Language Lessons for law Students (ISP)

Q.42. At present, there is no specialized lesson which is concerned with "legal Issues or law itself", in English lessons at law faculty of Keio University.

"Are you interested in English language Lessons for law students if they should exist?";

Respondents	1st	3rd	4th	Students Total
	122	45	46	213
1. I'm <u>not</u> interested <u>at all</u> .	11 (9.0%)	6 (13.3%)	2 (4.3%)	19 (8.9%)
2. I'm <u>not very</u> interested.	15 (12.3%)	4 (8.3%)	11 (23.9%)	30 (14.1%)
3. I'm <u>not sure</u> .	26 (21.3%)	15 (33.3%)	7 (15.2%)	48 (22.5%)
4. I'm <u>a little</u> interested.	44 (36.1%)	13 (28.9%)	14 (30.4%)	71 (33.3%)
5. I'm <u>very</u> interested.	26 (21.3%)	7 (15.6%)	12 (26.1%)	45 (21.1%)

Q.43. (to a person who answered 1 or 2 to Question 42)

"Why are you not interested in it at all or very much?";

Respondents	1st	3rd	4th	Students Total
	26	10	13	49
1. Concerning a specific area (Law), I prefer study it through Japanese.	5 (19.2%)	1 (10.0%)	3 (23.1%)	9 (18.4%)
2. It is very difficult for students to understand a Japanese legal system.	5 (19.2%)	4 (40.0%)	3 (23.1%)	12 (24.5%)
3. I cannot tell what the English Language lessons for law students would be like.	13 (50.0%)	3 (30.0%)	5 (38.5%)	21 (42.9%)
4. English language lessons seems to be useless.	2 (7.7%)	1 (10.0%)	0 (0 %)	3 (6.1%)
5. Other.	3 (11.5%)	1 (10.0%)	2 (15.4%)	6 (12.2%)
Answers	33	14	16	63

Q.44. (to a person who answered 3, 4 or 5 to Question 42)

"Which skill might you focus on?" [You can answer more than two.]:

Respondents	1st	3rd	4th	Students Total
	96	35	33	164
1. Listening & Speaking	19 (19.8%)	3 (8.6%)	2 (6.1%)	24 (14.6%)
2. Reading	55 (57.3%)	20 (57.1%)	12 (36.4%)	87 (53.0%)
3. Writing	3 (3.1%)	1 (2.9%)	0 (0 %)	4 (2.4%)
4. Intergrated Skills	23 (24.0%)	11 (31.4%)	19 (57.6%)	53 (3.3%)
Answers	100	35	33	168

Q.45 Please look at the following Example 1. Underlined words which are common and well-known are used in a specific meaning ("law").

"Would you like to learn such a terminology as a part of reading?":

	1 st	3 rd	4 th	Students Total
Respondents	122	45	46	213
1. I don't want to learn at all.	17 (13.1%)	5 (11.1%)	5 (10.9%)	27 (12.7%)
2. I don't want to learn very much.	14 (11.5%)	4 (8.9%)	7 (15.2%)	25 (11.7%)
3. I'm not sure.	36 (29.5%)	11 (24.4%)	8 (17.4%)	55 (25.8%)
4. I want to learn a little.	28 (23.0%)	16 (35.5%)	9 (19.6%)	53 (24.9%)
5. I want to learn very much.	27 (22.1%)	9 (20.0%)	17 (37.0%)	53 (24.9%)

45. 5.1. I'm very surprised. I feel it is interesting. (4th)

Example 1

GERMOLUS v. SAUSSER

Supreme Court of Minnesota, 1901. 83 Minn, 141, 85 N.W. 946.

START, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial.---

— translation —

GERMOLUS v. SAUSSER

ミネソタ州最高裁判所、1901年、

ミネソタ州最高裁判所公式判例集八三卷一四一頁

West Publishing Co. の商業出版判例集National Reporter SystemのうちのNorthwestern Reporter部の八五卷九四六頁

1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に与えた損害に対する損害賠償請求の訴。[被告は]正当防衛のため行った行為である、と抗弁した。[陪審は]原告勝訴、損害賠償金1,100 ドルと評決した。被告は再審の申立をしたが、却下の決定を受けたため、これを不服として、抗告した。---

(早川1962:11-17)

Q.46. (There are some films of cases in USA or UK.)

"Are you interested in Listening and Speaking lessons with Audio-visual materials?":

	1 st	3 rd	4 th	Students Total
Respondents	122	45	46	213
1. I'm not interested at all.	10 (8.2%)	2 (4.4%)	2 (4.3%)	14 (6.6%)
2. I'm not very interested.	5 (4.1%)	4 (8.9%)	6 (13.0%)	15 (7.0%)
3. I'm not sure.	17 (13.9%)	7 (15.6%)	7 (15.2%)	31 (14.6%)
4. I'm a little interested.	38 (31.1%)	11 (24.4%)	10 (21.7%)	59 (27.7%)
5. I'm very interested.	52 (42.6%)	21 (46.7%)	21 (45.7%)	94 (44.1%)

Q.47. "Are you interested in Writing lesson which might be concentrated on assignments, essays reports, etc. in the legal area ?":

Respondents	1 st	3 rd	4 th	Students Total
	122	45	46	213
1. I'm <u>not</u> interested <u>at all</u> .	28 (23.0%)	11 (24.4%)	8 (17.4%)	47 (22.1%)
2. I'm <u>not very</u> interested.	29 (23.8%)	10 (22.2%)	7 (15.2%)	46 (21.6%)
3. I'm <u>not sure</u> .	34 (27.9%)	13 (28.9%)	12 (26.1%)	59 (27.7%)
4. I'm <u>a little</u> interested.	13 (10.7%)	9 (20.0%)	8 (17.4%)	30 (14.1%)
5. I'm <u>very</u> interested.	18 (14.8%)	2 (4.4%)	11 (23.9%)	31 (14.6%)

47.5.1. Compared to other lessons, it seems to gain much more pressure.

Q.48. "Are you interested in Reading Lesson which is connected with 'Legal History'?"

Respondents	1 st	3 rd	4 th	Students Total
	122	45	46	213
1. I'm <u>not</u> interested <u>at all</u> .	45 (36.9%)	15 (33.3%)	14 (30.4%)	74 (34.7%)
2. I'm <u>not very</u> interested.	24 (19.7%)	12 (26.7%)	14 (30.4%)	50 (23.5%)
3. I'm <u>not sure</u> .	31 (25.4%)	10 (22.2%)	7 (15.2%)	48 (22.5%)
4. I'm <u>a little</u> interested.	12 (9.8%)	7 (15.6%)	7 (15.2%)	26 (12.2%)
5. I'm <u>very</u> interested.	10 (8.2%)	1 (2.2%)	4 (8.7%)	15 (7.0%)

Q.49. "Are you interested in a basic lesson for 'Common Law'?"

Respondents	1 st	3 rd	4 th	Students Total
	122	45	46	213
1. I'm <u>not</u> interested <u>at all</u> .	20 (16.3%)	5 (11.1%)	5 (10.9%)	30 (14.1%)
2. I'm <u>not very</u> interested.	17 (13.9%)	8 (17.8%)	7 (15.2%)	32 (15.0%)
3. I'm <u>not sure</u> .	31 (25.4%)	11 (24.4%)	13 (28.3%)	55 (25.8%)
4. I'm <u>a little</u> interested.	25 (20.5%)	12 (25.7%)	10 (21.7%)	47 (22.1%)
5. I'm <u>very</u> interested.	29 (23.8%)	9 (20.0%)	11 (23.9%)	49 (23.0%)

Q.50. "In the near future, would you like to learn English for Specific Purpose (Law)?"

Respondents	1 st	3 rd	4 th	Students Total
	122	45	46	213
1. I <u>don't</u> want to learn <u>at all</u> .	19 (15.6%)	12 (26.7%)	4 (8.7%)	35 (16.4%)
2. I <u>don't very</u> want to learn.	16 (13.1%)	2 (4.4%)	12 (26.1%)	30 (14.1%)
3. I'm <u>not sure</u> .	35 (28.7%)	12 (26.7%)	11 (23.9%)	58 (27.2%)
4. I want to learn <u>a little</u> .	28 (23.0%)	14 (31.1%)	12 (26.1%)	54 (25.4%)
5. I want to learn <u>very much</u> .	24 (19.7%)	5 (11.1%)	7 (15.2%)	36 (16.9%)

50.5.1. I would like to learn "International Law" unless it is impossible for me to pass the National Bar Examination.(1st.)

Appendix 6.2: General survey of English language teaching in the Department of Law in Keio University – Comparative analysis with teacher's view

1. A statistical overview of the respondents' personal backgrounds

	Date	Number
(Total respondents	:	46)
(Teachers of English language: October in 1993		28)
(Teachers of Law	: November in 1993	18)

Q.1 Sex:

	English Teacher	Law Teacher	Teachers Total
Respondents	28	18	46
1. male	20 (71.4%)	14 (77.8%)	34 (73.9%)
2. female	8 (28.6%)	4 (22.2%)	12 (26.1%)

Q.2 Age:

	English Teacher	Law Teacher	Teacher Total
Respondents	28	18	46
1. 20s	0 (0 %)	0 (0 %)	0 (0 %)
2. 30s	6 (21.4%)	8 (44.4%)	14 (30.4%)
3. 40s	9 (32.1%)	3 (16.7%)	12 (26.1%)
4. 50s	9 (32.1%)	2 (11.1%)	11 (23.9%)
5. older than 60	4 (14.3%)	5 (27.8%)	9 (19.6%)

Q.3 Highest Qualification: (obtained in Japan)

	English Teacher	Law Teacher	Teacher Total
Respondents	28	18	46
1. Bachelors(pre and mid-war)	1 (3.8%)	1 (5.6%)	2 (4.3%)
2. Bachelors(post-war)	2 (7.7%)	3 (15.7%)	5 (10.8%)
3. Masters	8 (30.8%)	3 (15.7%)	11 (23.9%)
4. Ph. D.	15 (57.7%)	12 (66.7%)	27 (58.7%)
5. no answer	2 (7.1%)	—	2 (4.3%)

Q.4 Highest Qualification: (obtained abroad)

	English Teacher	Law Teacher	Teacher Total
Respondents	5	2	7
1. Bachelars	0 (0 %)	0 (0 %)	0 (0 %)
2. MA	2 (40. %)	0 (0 %)	2 (28.6%)
3. Ph. D.	3 (60. %)	1 (50. %)	4 (57.1%)
4. Other.	0 (0 %)	1 (50. %)	1 (14.3%)

4.4.1. LLH in USA

Q.5 Last Graduates (Specialized Area):

Respondents	English Teachers	Law Teachers	Teachers Total
	28	18	—
1. English or American Literature	18 (64.3%)	—	—
2. English Linguistics or Linguistics	7 (25.0%)	—	—
3. English Language Teaching	1 (3.6%)	—	—
4. Comparative Culture or Comparative Literature	3 (10.7%)	—	—
5. Public Law	—	4 (22.2%)	—
6. Private Law	—	5 (27.8%)	—
7. Others.	3 (10.7%)	11 (39.3%)	—
Answers	32	20	—

5.7.1.English Teachers	Civil Procedure Code	1 *
Law Teachers	Civil Procedure Code	1
	Commercial Law	1
	Common Law	1
	Company Law	1
	Contract Law	1
	Credit Law	1
	Criminal Law	1
	Criminal Procedure Code	1
	FamilyLaw	2
	German Law	1
	International Contract Law	1
	Japanese Legal History	1
	Labour Law	1
	Legal History	1
	Property Law	1
	Securities Exchange Law	1
	Social Insurance Law	1
	Swedish Law	1

* 1 law teacher is teaching English.

Q.6 Present Position:

Respondents	English Teacher	Law Teacher	Teacher Total
	28	18	46
1. Professor	15 (53.6%)	9 (50.0%)	24 (52.2%)
2. Associate Professor	7 (25.0%)	6 (33.3%)	13 (28.3%)
3. Assistant Professor	4 (14.3%)	1 (5.6%)	5 (10.9%)
4. Assistant	0 (0 %)	0 (0 %)	0 (0 %)
5. no answer	2 (7.1%)	2 (11.1%)	4 (8.7%)

Q.7 Overseas Study:[Times](including the overseas study in schooldays)

Respondents	English teacher	Law teacher	Teacher Total
	28	18	46
1. None	6 (21.4%)	3 (16.7%)	9 (19.6%)
2. 1 time	9 (32.1%)	3 (16.7%)	12 (26.1%)
3. 2 times	5 (17.9%)	7 (38.9%)	12 (26.1%)
4. 3 times	2 (7.1%)	1 (5.6%)	3 (6.5%)
5. more than 4 times	6 (21.4%)	3 (16.7%)	9 (19.6%)
6. Other.	—	1 (5.6%)	1 (2.2%)

7.6.1.overseas study :— , shorter than 2 years
visiting fellow: 4 times, longer than 2 years
lecture :35 times, longer than 2 years

8. Overseas Study:[Duration]-Please give total if you have ever experienced more than one stay abroad.:

Respondents	English Teacher	Law Teacher	Teacher Total
	22	14	36
1. within 2 months	2 (9.1%)	1 (7.1%)	3 (8.3%)
2. within 6 months	1 (4.5%)	0 (0 %)	1 (2.8%)
3. within 1 year	3 (13.6%)	0 (0 %)	3 (8.3%)
4. within 2 years	10 (45.3%)	5 (35.7%)	15 (41.7%)
5. longer than 2 years	6 (27.3%)	8 (57.1%)	13 (36.1%)

9. Overseas Study: (for those who answered 2,3,4 or 5 to Question 7) Which country have you been to?:

Respondents	English Teachers	Law Teachers	Teachers Total
	22	14	36
1. U.S.A.	16 (72.7%)	6 (42.9%)	22 (61.1%)
2. U.K.	11 (50.0%)	2 (14.3%)	13 (36.1%)
3. Germany	0 (0 %)	4 (28.6%)	4 (11.1%)
4. France	1 (4.5%)	3 (21.4%)	4 (11.1%)
5. Other.	4 (18.2%)	5 (35.7%)	9 (25.0%)
Answers	32	20	52

9.5.1.	English	Law	Total
Australia	—	1	1
Brasil	—	2	2
Canada	2	—	2
HongKong	1	—	1
Italy	—	1	1
Sweden	1	1	2

2. English Language Teaching in Department of Law

① (Aim & Purpose)

Q.10 Do you think that students in the Faculty of Law should study English?:

Respondents	English Teachers	Law Teachers	Teachers Total
	28	18	46
1. Yes.	26 (92.9%)	17 (94.4%)	43 (93.5%)
2. No.	0 (0 %)	0 (0 %)	0 (0 %)
3. I'm not sure.	2 (7.1%)	1 (5.6%)	3 (6.5%)

Q.11A. (to a person who answered 1 to Question 10) Why did you answer "Yes"?

[You can answer more than two.]:

Respondents	English Teachers	Law Teachers	Teachers Total
	28	18	46
1. In the future, English will become <u>important</u> .	6 (23.1%)	9 (32.9%)	15 (32.6%)
2. High school English is <u>not enough</u> .	8 (30.8%)	1 (5.9%)	9 (19.6%)
3. In order to communicate our wishes, views, and feelings to foreigners by means of English as an <u>international communication tool</u> .	12 (46.2%)	7 (41.2%)	19 (41.3%)
4. to help acquisition of <u>the knowledge of the specific area(law)</u>	17 (65.4%)	14 (82.4%)	31 (67.4%)
5. Other.	3 (11.5%)	0 (0 %)	3 (6.5%)
Answers	46	31	77

11A.5.1. to train the international understanding

2. a tool for getting the general information

3. If students want to communicate to foreigners, the lesson should be prepared for only them.

Q.11B. It is said that English Language Teaching in a Japanese University is not always useful for students. What do you think about the idea? [Law teachers only.]:

Respondents	English Teachers	Law Teachers	Teachers Total
	—	18	—
1. It is <u>not</u> useful at all.	—	2 (11.1%)	—
2. It is <u>not very</u> useful.	—	11 (61.1%)	—
3. I'm not sure.	—	3 (16.7%)	—
4. It is <u>a little</u> useful.	—	2 (11.1%)	—
5. It is <u>very</u> useful.	—	0 (0 %)	—

Q.11C. (to a person who answered 1 or 2 to Question 11B) What is the reason for the ineffectiveness? [You can answer more than two.] [Law teachers only.]

—Nationality —:

Respondents	English Teachers	Law Teachers	Teachers Total
	—	13	—
1. In daily life, English is <u>not</u> necessary.	—	8 (61.5%)	—
2. Japanese people are <u>not</u> good at expressing themselves through languages.	—	1 (7.7%)	—
3. Japanese people pay too much attention to accuracy of <u>detail</u> .	—	3 (23.1%)	—
4. There is a big <u>difference</u> between English and Japanese.	—	0 (0 %)	—
5. Other.	—	6 (46.2%)	—
Answers	—	18	—

—System—:

Respondents	English Teachers	Law Teachers	Teachers Total
	—	13	—
6. The English lessons are very <u>few</u> .	—	3 (23.1%)	—
7. The <u>class size</u> is too big.	—	4 (30.8%)	—
8. Regardless of students' wishes English language is taught to <u>every</u> student.	—	4 (30.8%)	—
9. The entrance examination makes the system harmful.	—	7 (53.8%)	—
10. The <u>textbooks</u> are <u>not</u> good.	—	5 (38.5%)	—
11. Facilities are <u>not</u> good. are not good.	—	0 (0 %)	—
12. The <u>quality of teachers</u> .	—	3 (23.1%)	—
13. <u>Methodologies</u> are <u>not</u> good.	—	4 (30.8%)	—
14. Other.	—	2 (15.4%)	—
Answers	—	32	—

Q.12. Does your department set standards or targets for English? [English teachers only] :
Should your department set standards or targets for English? [law teachers only]:

Respondents	English Teachers	Law Teachers	Teachers Total
	28	18	46
1. We have standards at a <u>department</u> level.	4 (14.2%)	5 (27.8%)	9 (19.6%)
2. We have standards at a <u>personal</u> level.	14 (50.0%)	3 (16.7%)	17 (40.0%)
3. We do <u>not</u> have standards.	10 (35.7%)	7 (38.4%)	17 (40.0%)
4. Other.	0 (0 %)	3 (16.7%)	3 (6.5%)

12.5. Law teachers

- 1. Because students have their own purposes, the course has many variations.
- 2. As a part of university of education system, a standard is necessary.
- 3. The preparation for standards has already started.

Q.13. If you have set standards in English laguage teaching, please indicate the target skills?:[You can answer more than two.]

Respondents	English Teachers	Law Teachers	Teachers Total
	28	18	46
1. Listening (C) *1	12 (66.7%)	2 (11.1%)	14 (30.4%)
2. Speaking (P) *2	6 (33.3%)	4 (22.2%)	10 (21.7%)
3. Reading (C)	16 (88.9%)	11 (61.1%)	27 (58.7%)
4. Writing (P)	9 (50.0%)	4 (22.2%)	13 (28.3%)
5. Other.	3 (16.7%)	0 (0 %)	3 (6.5%)
Answers	46	21	67

*1(C):comprehension

*2(C):presenration

13.5. English teachers

1. Listening & Speaking skill;

In order to debate with foreigners, and to participate in the international conference very positively.

To acquire the ability to express their own ideas and understand people's backgrounds.

Reading;

To read the books from abroad.

Writing;

To write English essays.

2. To inform on society and culture as a background to the languages.

3. To approach the level of native speakers as near as possible.

② (Materials)

Q.14. Concerning the English Language Lessons in 1993, which kinds of topics are you dealing with in class? (for law teacher: Which kinds should be used?):

Respondents	English Teachers	Law Teachers	Teachers Total
	28	18	46
1. Literature	5 (17.9%)	1 (5.6%)	6 (13.0%)
2. Linguistics	8 (28.6%)	1 (5.6%)	9 (19.6%)
3. General cultural (Manners, Customs, Geography, History, Philosophy)	13 (46.4%)	10 (55.6%)	23 (50.0%)
4. Current topics	9 (32.1%)	6 (33.3%)	15 (32.6%)
5. Other.	3 (10.7%)	7 (38.9%)	10 (21.7%)
Answers	38	31	69

14.5. English teachers

1. I am now using the textbooks according to each class.
2. Humorous essays
3. The textbook of Common Law
Law teachers
4. That depends on the lessons content.
5. The materials should be connected with legal study, for example,
Elements of Law. 3
6. Any material will do. 2
7. To obtain the broad knowledge about the Western culture, custom, or
philosophy and so on. 2
8. Materials for specialized area of the English teacher.
9. It is not impossible to make a concrete suggestion because it depends on the
content.
10. The English materials should be the same as the Japanese journals or
magazines which are worth reading by university students, for example, Time
or News Week.
11. Some positive students in Hiyoshi Campus are interested in the newtype of
lecture.

Q.15. The title of the textbooks:

Please refer to next page.

Q.16. (to a person who answered 1 to Question 14) In Literature area, which field are your materials majoring in?[English teachers only.]:

Respondents	English Teachers	Law Teachers	Teachers Total
	5		
1. novel	2 (40.0%)	—	—
2. poem	0 (0 %)	—	—
3. drama	2 (40.0%)	—	—
4. essay	1 (20.0%)	—	—
5. Other.	0 (0 %)	—	—

Q.17. How have you selected the materials?: [English teachers only.]:

Respondents	English Teachers	Law Teachers	Teachers total
	28		
1. They are selected by <u>personal</u> preference.	27 (96.4%)	—	—
2. They are selected among the <u>limited</u> books.	1 (3.6%)	—	—
3. They are selected in <u>discussions</u> by teachers.	0 (0 %)	—	—
4. We <u>cannot</u> use an ordered textbook	0 (0 %)	—	—
5. Other.	0 (0 %)	—	—

Q.15' The title of the textbooks:

Aestin, C.Canton, S.Takeda, K.Takahashi, Topics in the News, Speed Reading, KiriHara shoten

Ailsop, J., The Penguin Book of Unique Short Stories, Nanundo

Buthwald, A., A Joy of American Humor, Nanundo

Dias, J.P., The Future is Voue, Nanundo

Down, What is Culture?, Asahi Shuppansha

Dublin, F., E.Obstrtain.D.Lummis, English Conversation as Ideology, Addison-Wesley

Dublin, F., E.Obstrtain.D.Lummis, A New Look at the Chrysant Human and the Sword, Addison-Wesley

Dublin, F., E.Obstrtain.D.Lummis, Reading in Purpose, Addison-Wesley

Dublin, F., E.Obstrtain.D.Lummis, Reading the Construction, Addison-Wesley

Green, B., Cheeseburger, Nanundo

Greene, G., The Destructors, Eihosha

Harris, S., Love It or Leave It, Nanundo

Hasegawa, K., A.Uesugi, Life and Culture in America-VOA, Seibido

Hasegawa, K., T.Akiyama, English through Mass Media (I) Seibido

Hashima, H., Eisakubun:Expanding-Type(English Composition), Yumishobo

Kandlin, J., Deeper into America, Nanundo

Keene, D., G.Edward, Seedensticker and others, 30 Things Japanese, Yumipress

Macdonald, K., Our Planet in Danger, Mcmillan

Maki, H., Digaku kihon eisakubun(University English Composition:Basic), Hokuseido

Eigo hyougen training(English Expression Training), Hokuseido

Oppler, A.C., Legal Reform in Occupied Japan, Princeton University Press

Ostin, R., et al, The Words You Need, Macmillan

Peaty, D., Our World, Eichosha

Sherard, M.L., Tacit Assumptions, Macmillan Language House

Stout, Womack, Danielson, Huire, Understanding Spoken English, Seibido

Tajika, H., An Interactive Approach to Successful Reading, Sanshusha

Tokyo University, The Universe of English, Tokyo University Press

(Authors are not known.)

American Stream Line English: Destination, OUP

Communicative Approach to New English, Sanshusha

Essentials of Writing, Barvou's

Interchange, CUP

Listening Tasks, CUP

Off Beat USA, Nanundo

③ (English Language Lesson)

Q.18. Which skill do you focus on? (English teachers)

Which skill should an English teacher focus on? (Law teacher)

[You can answer more than one.]:

Respondents	English teachers	Law teachers	teachers total
	28	18	46
1. listening (L)	17 (60.7%)	5 (27.8%)	22 (47.8%)
2. Speaking (S)	7 (25.0%)	6 (33.3%)	13 (28.3%)
3. Reading (R)	20 (71.4%)	16 (88.9%)	36 (78.3%)
4. Writing (W)	12 (42.9%)	6 (33.3%)	18 (39.1%)
5. Other.	2 (7.4%)	0 (0 %)	2 (4.3%)
Answers	58	33	91

- 18.5.1. understanding of the culture, society, history and nationality as a back ground knowledge
2. the ability of understanding and judgement
3. comprehension

Q.19. (for those who answered 1 to Question 18) What level in such skill should be aimed at?

Listening skill:

Respondents	English Teacher	Law teacher	Teachers Total
	17	5	22
1. can listen to and understand English in a junior high school or English Achievement Test for 3rd Grade	0 (0 %)	0 (0 %)	0 (0 %)
2. can listen to and understand English in a high school or English Achievement Test for 2nd Grade	8 (47.1%)	2 (40.0%)	10 (45.5%)
3. can listen to and understand English through Western TV., Movies, FEN., BBC., or etc.	9 (52.9%)	4 (80.0%)	13 (59.1%)
Answers	17	6	23

Q.20. (for those who answered 2 to Question 18) What level in this skill should be aimed at?

Speaking skill:

Respondents	English Teachers	Law teachers	Teachers Total
	7	6	13
1. to communicate at a beginner's level	4(57.1%)	1(16.7%)	5(38.5%)
2. to communicate fluently	0(0 %)	2(33.3%)	2(15.4%)
3. to debate in public	1(14.3%)	2(33.3%)	3(23.1%)
4. Other	2(28.6%)	1(16.7%)	3(23.1%)

Q.21. (for thosen who answered 1 or 2 to Question 18) Which kind of activitiy should be focused in the listening or speaking lesson should be focused on?

Listening & Speaking Skill.

Respondents	English Teacher	Law teacher	Teachers Total
	18	7	25
1. Utterance practice	2(11.1%)	0(0 %)	2(8.0%)
2. Dictation of the voice or tapes	11(61.1%)	4(57.1%)	15(60.0%)
3. Memorization of the sentence patterns and pattern practice	1(5.6%)	0(0 %)	1(4.0%)
4. Conversation practice, speech	3(16.7%)	4(57.1%)	7(26.0%)
5. Other.	1(5.6%)	0(0 %)	1(3.8%)
Answers	18	8	26

21.5.1. *English teachers ;videotapes*

Q.22. (for those who answered 3 to Question 18) What level in such skill should be aimed at?

Reading skill :

Respondents	English Teacher	Law teacher	Teachers Total
	20	16	36
1. (without an English-Japanese dictionary) can read an <u>easy</u> novel	3(15.0%)	1(6.3%)	4(11.1%)
2. (without an English-Japanese dictionary) can read a newspapers or journals	19(95.0%)	9(56.3%)	28(60.9%)
3. can read a specialized book(<u>law</u>)	5(25.0%)	7(43.8%)	12(26.1%)
Answer	27	17	44

Q.23. (for those who answered 3 to Question 18) Which kind of activitiy in the listening or speaking lesson should be focused on?

Listening & Speaking skill.

Respondents	English teacher	Law teacher	Teachers Total
	20	16	36
1. to grasp the main points of the passages by rapid reading	4(20.0%)	3(18.8%)	7(19.4%)
2. to understand the <u>exact</u> context	11(55.0%)	13(81.3%)	24(66.7%)
3. to gain background knowlegde	6(30.0%)	1(6.3%)	7(19.4%)
4. to gain the appreciation of a work	0(0 %)	0(0 %)	0(0 %)
5. Other.	0(0 %)	0(0 %)	0(0 %)
Answers	21	17	48

Q.24. (for those who answered 3 to Question 18) How do you manage the English Language reading lessons? [English teachers only]

Reading skill :

Respondents	English Teacher	Law teacher	Teachers Total
	20		
1. Before the lesson, I have already named some students.	2(10.0%)	—	—
2. Before the lesson, I have already named some groups.	1(5.0%)	—	—
3. <u>During</u> the lesson, I always name some students.	15(75.0%)	—	—
4. I translate or explain the context for myself.	0(0 %)	—	—
5. Other.	2(10.0%)	—	—

24.5.1. use 2,3 and 4 according to the class or level

Q.25. (for those who answered 4 to Question 18) What level in such skill should be aimed at?

Writing skill :

Respondents	English Teacher	Law teacher	Teachers total
	12	6	18
1. write a <u>letter</u>	4(33.3%)	2(33.3%)	6(33.3%)
2. write some <u>paragraphs</u> which might be essential for work	4(33.3%)	6(66.7%)	10(55.6%)
3. write an essay concerned with the <u>specialized</u> <u>area</u> .	2(16.7%)	0(0 %)	2(11.1%)
no answers 2	2	—	2
Answers	12	8	20

25.4.Other.

1. Students should be able to write almost all they would like to express.
2. Sentence-level writing & paragraph writing
3. No3 is ideal but it is very difficult.

Q.26. (for those who answered 4 to Question 18) Which kind of activitiy should be focused on in the writing lesson?: [You can answer more than two.]

Writing skill :

Respondents	English teachers	Law teachers	teachers total
	12	6	18
1. Translation	3(25.0%)	1(16.7%)	4(22.2%)
2. Free-writing	5(41.7%)	3(50.0%)	8(44.4%)
3. An all-round synthesized training in sentence patterns and expressions.	3(25.0%)	4(66.7%)	7(38.9%)
4. Understanding English grammar	2(16.7%)	1(16.7%)	3(16.7%)
5. Other.	1(8.3%)	0(0 %)	1(5.6%)
Answers	14	9	23

Q.27. Are you now happy with the teaching methods you use for English?

[English teachers only.]:

	English teachers	Law teachers	Teachers Total
Respondents	28	—	—
1. I am happy with it.	10(35.7%)	—	—
2. I cannot use good methods because of lack of students' knowledge.	2(7.1%)	—	—
3. I cannot use good methods because of the big class size.	12(42.9%)	—	—
4. I cannot use good methods because of teaching environment.	3(10.7%)	—	—
5. Other.	4(14.3%)	—	—
Answers	31	—	—

- 27.5.1. I cannot say that my lesson are ideal.
2. I am now using reasonable methods according to the level of the students.

3. English Language lesson for Law Students (ESP) I

[English teachers only]

Q.28. These are lists of reference books for studying foreign laws, especially Common Law. Have you ever seen or used each book? :

Dictionary	Respondents	27	27
		have seen	have used
1 江島常夫=北沢正啓編(1956)「英米商事法辞典」商事法務研究会		1 (3.7%)	2 (7.4%)
2 高柳賢三=末延三次編(1952)「英米法辞典」有斐閣		7 (25.7%)	5 (18.5%)
3 田中英夫編集代表(1991)「英米法辞典」東京大学出版会		11 (40.7%)	4 (14.5%)
4 堀田牧太郎編(1989)「アメリカ法辞典」成分堂		1 (3.7%)	2 (7.4%)
5 その他(具体的に)		0 (0 %)	0 (0 %)
6 Ballentine, J. A., (1969) <u>Ballentine's law dictionary with pronunciations</u> , 3d ed. by W. S. Anderson		1 (3.7%)	2 (7.4%)
7 Black, H. G., (1979) <u>Black Law Dictionary</u> , 5th ed.		1 (3.7%)	2 (7.4%)
8 Bouvier, H. G., (1914) <u>Black Law Dictionary and concise encyclopedia</u> , 8th ed. by F. Rawle		2 (7.4%)	1 (3.7%)
9 <u>A Concise Dictionary of Law</u> (1983) Oxford & N. Y. O. U. P.		5 (18.5%)	1 (3.7%)
10 Curzon, L. B., (1983) <u>A Dictionary of Law</u> , 2nd ed. by Macduald and Evan		2 (7.4 %)	0 (0 %)
11 Giffs, S. H., (1984) <u>Law Dictionary</u> , 2nd ed. by Hoodbury, N. Y. Barron's Educational Ser.		3 (11.1%)	2 (7.4%)
12 Jowitt, W. & A. Jowitt, (1977) <u>1st Earl, The Dictionary of English Law</u> , 2nd ed. by John Burice, London: Sweet & Maxwell		1 (3.7%)	0 (0 %)
13 Hozley & whiteley, (1962) <u>Law Dictionary</u> , 7th ed.		1 (3.7%)	2 (7.4%)
14 Oran, D., (1983) <u>Oran's Dictionary of the Law</u> , St. Paul: West Pub. Co.		0 (0 %)	0 (0 %)
15 <u>Radin Law Dictionary</u> (1970) Oceania		0 (0 %)	0 (0 %)
16 Redden, Kenneth, R., & Veron, Enid L., (1980) <u>Modern legal glossary</u> Charlottesville.		0 (0 %)	0 (0 %)

Legal English (Japanese Books)	Respondents	27	27
		have seen	have used
17 浅野 弘(1956)法律英語類語の研究 3 貿易クレームと仲裁、5		1 (3.7%)	0 (0 %)
18 内田力蔵(1959-1960) 外国書購読(1-8) 法学セミナー37, 39, 40, 42, 44, 46, 47, 48		0 (0 %)	1 (3.7%)
19 奥村三舟(1953)英米法律用語の語源(資料)立命館法学 3		3 (11.1%)	0 (0 %)
20 小田 豊(1953)「法律英語入門」明玄書房		2 (7.4%)	0 (0 %)
21 小堀憲助(1965-1966) 法律英語あ・ら・かると(1-12)法学セミナー109-120		1 (3.7%)	0 (0 %)
22 柴田光蔵(1972)英米とロマンス語とラテン語(法学ラテン語教室)判例タイムズ 279		1 (3.7%)	0 (0 %)
23 鈴木 肇(1971-1972) 英米法律用語活用集 海外商事法務111-126		2 (7.4%)	1 (3.7%)
24 鈴木 肇(1973-1975) 英米法律用語活用集 国際商事法務1-10('73) 同 1.2.4.6.10('74)同 2,4,6('75)		2 (7.4%)	1 (3.7%)
25 田中英夫(1968-1969) 英米法への招待(1-11)法学セミナー146-156 157		0 (0 %)	1 (3.7%)
26 田中英夫(1983)「英米法のことば」有斐閣		0 (0 %)	1 (3.7%)

	Respondents	27	27
		have seen	have used
27 長谷川俊明(1992)「ワードス法律英語辞典」東京布井出版		2 (7.4%)	0 (0 %)
28 長谷川俊明()「法律英語の鍵」東京布井出版		0 (0 %)	0 (0 %)
29 長谷川俊明()「法律英語の事典」東京布井出版		0 (0 %)	0 (0 %)
30 長谷川俊明()「法律英語のヒント」東京布井出版		0 (0 %)	0 (0 %)
31 長谷川俊明()「法律英語のブワ」東京布井出版		0 (0 %)	0 (0 %)
32 長谷川俊明()「法律英語と金融」東京布井出版		1 (3.7%)	0 (0 %)
33 長谷川俊明()「続法律英語の鍵」東京布井出版		0 (0 %)	0 (0 %)
34 早川武夫(1962)「法律英語の常識」日本評論社		2 (7.4%)	0 (0 %)
35 早川武夫(1963)英米の法諺百語(1.2) 判例時報327,330		0 (0 %)	0 (0 %)
36 早川武夫(1966-1977) 英語法学(1-XI)ブレストンと遊ぼう(1-3) 英米の刑事手続(1-4).” 銃殺”, ベリー・メイスンの法廷技術 (1-3). 法学セミナー121-131		0 (0 %)	0 (0 %)
37 早川武夫(1960-1961) 外国書購読—アメリカ法(1-12) 法学セミナー49-60		0 (0 %)	0 (0 %)
38 早川武夫()法学と外国語「読書案内法学」		0 (0 %)	0 (0 %)
39 早川武夫(1992)「法律英語の基礎知識」商事法務研究会		2 (7.4%)	0 (0 %)
40 早川武夫(1962)「外国法の常識」日本評論社		4 (14.8%)	0 (0 %)
41 堀部政男(1969-1972) 英米の法律家—人とその思想(1-33) 法学セミナー162-165,167-178,180,182-192,194-198		1 (3.7%)	0 (0 %)

Legal English(foreign Books)	Respondents	27	27
		have seen	have used
42 <u>Stroud's Juridical Dictionary: Words and Phrases Juridicially</u> Interpreted by British Judges and Parliament with Statutory Definitions(3d ed.1952)		2 (7.4%)	1 (3.7%)
43 <u>Words and Phrases Judicially Defined,5 vols.</u> (2d ed.1969 by J.B.Saunders)		1 (3.7%)	0 (0 %)
44 <u>Words and Phrases,85 vols.</u> (Permanent ed.1964-70)		1 (3.7%)	0 (0 %)

Encyclopedia	Respondents	27	27
		have seen	have used
45 <u>Halsbury's Laws of England, 43 vols.</u> (3rd ed.1952-64)		2 (7.4%)	0 (0 %)
46 <u>Halsbury's Laws of England, Australian Pilot; New Zealand</u> Pilot		1 (3.7%)	0 (0 %)
47 <u>Corpus Juris Secundum,101 vols.</u>		1 (3.7%)	1 (3.7%)
48 <u>American Jurisprudence, Second, 82 vols.</u> (1962-76)		2 (7.4%)	0 (0 %)
49 <u>American Jurisprudence, Desk Book</u>		1 (3.7%)	0 (0 %)
50 <u>California Jurisprudence,etc.</u>		1 (3.7%)	1 (3.7%)
51 <u>Encyclopedia of Court Forms and Precedents in Civil</u> Proceedings, 16 vols.(1937-50);(2d ed.1961- in progress)		0 (0 %)	0 (0 %)
52 <u>Fletcher's Cyclopedia of the Law of Private Corporations.</u> 20 vols.(rev. and permanent ed.1931-33)		1 (3.7%)	1 (3.7%)
53 <u>Cyclopedia of Federal Procedure, 17 vols.</u> (1950-53)		1 (3.7%)	0 (0 %)
54 <u>American Jurisprudence, Trials, 20 vols.</u> (1964-69)		2 (7.4%)	0 (0 %)
55 <u>American Jurisprudence, Proof of Facts, 30 vols.</u> (1959-61)		1 (3.7%)	0 (0 %)

判例集	Respondents	27	27
		have seen	have used
56 <u>Law Reports Series</u> (1865 to date)		2 (7.4%)	2 (7.4%)
57 <u>All England Law Reports</u> [略号 All.E.R.](1936 to date)		1 (3.7%)	0 (0 %)
58 <u>Weekly Law Reports</u> (1875-)		1 (3.7%)	1 (3.7%)
<u>National Reporter System</u>			
59 (1) <u>Supreme Court Reports</u> [略号 S.Cl.]		3 (11.1%)	2 (7.4%)
60 (2) <u>Federal Reporter</u> [略号 Fed. またはF.]		2 (7.4%)	1 (3.7%)
61 (3) <u>Federal Supplement</u> [略号 F. Supp.]		2 (7.4%)	1 (3.7%)
62 (4) <u>Federal Rules Decisions</u> [略号 F.R.D.]		2 (7.4%)	1 (3.7%)
(5) <u>Atlantic Reporter</u> [略号 Atl. またはA.]		—	—
63 <u>North Eastern Reporter</u> [N.E.]		2 (7.4%)	0 (0 %)
64 <u>North Western Reporter</u> [N.W.]		2 (7.4%)	0 (0 %)
65 <u>Pacific Reporter</u> [P.R.]		2 (7.4%)	0 (0 %)
66 <u>South Eastern Reporter</u> [S.E.]		2 (7.4%)	0 (0 %)
67 <u>South Western Reporter</u> [S.W.]		2 (7.4%)	0 (0 %)
68 <u>Southern Reporter</u> [So.]		2 (7.4%)	0 (0 %)
69 (6) <u>New York Supplement</u> [N.Y. Supp.]		2 (7.4%)	0 (0 %)
70 (7) <u>California Reporter</u> [Cal. Rptr.]		2 (7.4%)	1 (3.7%)
71 <u>National Reporter BlueBook</u>		0 (0 %)	0 (0 %)
72 <u>United States Reports</u> [略号 U.S.]		3 (11.1%)	2 (7.4%)
73 <u>United States Supreme Court Reports</u> (Lawyer's Edition)[L.Ed.]		2 (7.4%)	1 (3.7%)
74 <u>United States Law Week</u> [略号 U.S.L.W.]		2 (7.4%)	0 (0 %)

法令集	Respondents	27	27
		have seen	have used
75 <u>Law Reports, Statutes</u> (since 1866)		2 (7.4%)	1 (3.7%)
76 <u>Public General Acts</u> (since 1831)		0 (0 %)	0 (0 %)
77 <u>Current Law Statutes Annotated</u> (since 1948)		1 (3.7%)	1 (3.7%)
78 <u>Halsbury's Statutes of England</u> , 3rd ed. 39 vols. (1968-72)		1 (3.7%)	0 (0 %)
79 [U.S.] <u>Statute at Large</u>		2 (7.4%)	0 (0 %)
80 <u>United States Treaties and Other International Agreements</u>		1 (3.7%)	0 (0 %)
81 <u>United States Code Annotated</u> [U.S.C.A.]		2 (7.4%)	1 (3.7%)
82 F.Thorpe (ed.), <u>The Federal and State Constitution, Colonial Charters, and Other Organic Laws</u> , 7 vols. (1909)		1 (3.7%)	0 (0 %)
83 <u>Constitutions of the United States, National and State</u> , 2 vols. (1962)		1 (3.7%)	0 (0 %)
84 <u>Index Digest of State Constitutions</u> (2d ed. 1959)		0 (0 %)	0 (0 %)
85 <u>The Book of the States</u>		0 (0 %)	0 (0 %)
86 <u>Uniform Law Annotated</u>		1 (3.7%)	1 (3.7%)

An Introduction to Law	Respondents	27	27
		have seen	have used
87 <u>Introduction to English Law</u> , 11th edition, by Philip, S. James, (London: Butterworth, 1985)		4 (14.8%)	0 (0 %)
88 <u>A Level Law</u> , by Dudgate et al. (London: Butterworth, 1988)		0 (0 %)	0 (0 %)
89 <u>Learning the Law</u> , by Williams, (Stevens, 1982)		0 (0 %)	1 (0 %)

Q.30B. (for those who answered 3,4 or 5 to Question 29) What level of the teacher of English should be required concerning the understanding specific area, in short, law itself?:
[law teachers only.]:

Respondents	English teachers	Law teachers	Teachers Total
	—	10	—
1. Undergraduate 1st or 2nd	—	0 (0 %)	—
2. Undergraduate 3rd or 4th	—	2 (20.0%)	—
3. Postgraduate Master level	—	5 (50.0%)	—
4. Postgraduate Doctor level	—	3 (30.0%)	—
5. Other.	—	0 (0 %)	—

Q.31. (for those who answered 1 or 2 to Question 29) Why did you answer negatively?:

Respondents	English teacher	Law teacher	Teachers Total
	17	8	25
1. English teacher should teach <u>General English</u> .	6 (35.3%)	0 (0 %)	6 (24.0%)
2. The content itself is <u>too specialized?</u>	7 (41.1%)	4 (50.0%)	11 (44.0%)
3. Other.	4 (28.6%)	4 (50.0%)	8 (32.0%)

3.1 English teachers do not have the knowledge of law or legal study, therefore, the inadequate lessons should be prohibited.(Law teacher)

32. Textbook 2 Point of Law [法廷百話] 2
Michel Lipman / 塩野弘明・長谷川潔編注
南雲堂、1971
—構成—
Case of the Stolen stories
Case of the Contraband Camera
Case of the Difficult Doors
Case of the Girl with the Thousand Boy Friends
.....
Case of the Baker's Bigamy
—備考—
本書には全収録・別巻録音テープがあります。

Is it important for teachers of English Language to use a book like this?:

Respondents	English teachers	Law teachers	Teachers Total
	27	18	45
1. It is <u>not</u> important <u>at all</u> .	7 (25.9%)	6 (33.3%)	13 (28.9%)
2. It is <u>not very</u> important.	8 (29.6%)	1 (5.6%)	9 (20.0%)
3. I am <u>not sure</u> .	5 (18.5%)	7 (38.9%)	12 (26.7%)
4. It is <u>quite</u> important.	5 (18.5%)	2 (11.1%)	7 (15.6%)
5. It is <u>very</u> important.	1 (3.7%)	2 (11.1%)	3 (6.7%)
6. no answer	1 (3.7%)	0 (0 %)	1 (2.2%)

Q.33A. (for those who answered 3,4 or 5 for Question 29) When should students use a book like this?:

	Respondents	English teacher	Law teacher	Teachers Total
		11	11	22
1.	Undergraduate 1st or 2nd	6 (54.5%)	5 (45.5%)	11 (50.0%)
2.	Undergraduate 3rd or 4th	5 (45.5%)	4 (36.4%)	9 (40.9%)
3.	Postgraduate Master level	0 (0 %)	2 (18.2%)	2 (9.1%)
4.	Postgraduate Doctor level	0 (0 %)	0 (0 %)	0 (0 %)
5.	Other.	1 (9.1%)	0 (0 %)	1 (4.5%)
	Answers	12	11	23

Q.33B. (for those who answered 3,4 or 5 for Question 29) What level of the teacher of English should be required concerning the understanding specific area, in short, law itself?:
[law teachers only.]:

	Respondents	English teacher	Law teacher	Teachers Total
		—	11	—
1.	Undergraduate 1st or 2nd	—	0 (0 %)	—
2.	Undergraduate 3rd or 4th	—	2 (18.2%)	—
3.	Postgraduate Master level	—	6 (54.5%)	—
4.	Postgraduate Doctor level	—	2 (18.2%)	—
5.	Other.	—	1 (9.1%)	—

Q.34. (for those who answered 1 or 2 for Question 29) Why did you answer negatively?:

	Respondents	English teacher	Law teacher	Teachers Total
		15	7	22
1.	English teacher should teach <u>General English</u> .	6 (40.0%)	1 (14.3%)	7 (31.8%)
2.	The content itself is <u>too specialized?</u>	3 (20.0%)	1 (14.3%)	4 (18.2%)
3.	Other.	6 (40.0%)	5 (71.4%)	11 (50.0%)

34.3. *English teacher*

- 1. I am now teaching more basic level's materials.
- 2. The important thing is the teacher's speciality, therefore. If a teacher has it, he or she should teach this type of lesson.
- 3. All the students do not necessarily learn this kind of lesson.
- 4. I have never seen this book, so It is very difficult comment about it.

Law teacher

- 5. The important thing is language ability, so terminology can be studied by themselves.
- 6. I have never seen this book, so It is very difficult to comment it.
- 7. The content is not specialized.

Q.35. textbook 3 GERHOLUS v. SAUSSER

Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 946.

STARR, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial. --- (早川、1962:11-12)

－日本語訳－ GERHOLUS v. SAUSSER

ミネソタ州最高裁判所、1901年、
ミネソタ州最高裁判所公式判例集八三卷一四一頁
West Publishing Co. の商業出版判例集National Reporter SystemのうちのNorthwestern Reporter部の八五卷九四六頁

1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に与えた損害に対する損害賠償請求の訴。〔被告は〕正当防衛のため行った行為である、と抗弁した。〔陪審は〕原告勝訴、損害賠償金1,100 ドルと評決した。被告は再審の申立をしたが、却下の決定を受けたため、これを不服として、抗告した。--- (早川1962:11-17)

一般英語と法律英語を分かつ場合、相互に重複し、影響し合っているのでそれらが全く独立しているとはいえません。しかしながら、以下に幾つの特徴をあげさせていただきます。

- (1) 普通の語句を特殊の意味に使う
- (2) 一般には廃語になっている古期英語、中期英語を多用する
- (3) ラテン語を多用する
- (4) 一般の英語語彙に入っていないOld French Words, Anglo Norman Wordsを使う
- (5) 専門術語を使う
- (6) 仲間言葉を使う
- (7) 改まった言葉使いをする
- (8) 伸縮のある表現を使う（略語）
- (9) 極端に厳密な表現を使う
- (10) その他

(早川、1992:12)

Is it important for teachers of English language to use a book like this?
[English teacher only.]:

Respondents	English teacher	Law teacher	Teachers total
	27	—	—
1. It is <u>not</u> important at all.	13 (48.1%)	—	—
2. It is <u>not very</u> important.	8 (29.6%)	—	—
3. I am <u>not sure</u> .	4 (14.8%)	—	—
4. It is <u>quite</u> important.	2 (7.4%)	—	—
5. It is <u>very</u> important.	0 (0 %)	—	—

Q.36. (for those who answered 3,4 or 5 to Question 35) When should students use a book like this? [English teacher only.]:

Respondents	English teacher	Law teacher	Teachers Total
	6	—	—
1. Undergraduate 1st or 2nd	0 (0 %)	—	—
2. Undergraduate 3rd or 4th	5 (83.3%)	—	—
3. Postgraduate Master level	1 (16.7%)	—	—
4. Postgraduate Doctor level	0 (0 %)	—	—
5. Other.	0 (0 %)	—	—

Q.37. (for those who answered 1 or 2 to Question 35) Why did you answer negatively? [English teacher only.]:

Respondents	English teacher	Law teacher	Teachers Total
	21	—	—
1. English teacher should teach <u>General English</u> .	4 (19.0%)	—	—
2. The content itself is <u>too specialized?</u>	12 (57.1%)	—	—
3. Other.	5 (23.1%)	—	—

3A.3. *English teacher*

1. The important thing is the teacher's speciality, therefore. If a teacher has it, he or she should teach this type of lesson. 2

2. I have never seen this book, so It is very difficult comment about it.

3. (1)-(10) can be taught in the legal study.

Q.38. Is it important for teachers of English Language to teach writing essays or reports which are focused on the legal area?:

Respondents	English teacher	Law teacher	Teachers Total
	27	18	45
1. It is <u>not</u> important <u>at all</u> .	14 (51.9%)	8 (44.4%)	22 (48.9%)
2. It is <u>not very</u> important.	6 (22.2%)	2 (11.1%)	8 (17.8%)
3. I am <u>not sure</u> .	3 (11.1%)	4 (22.2%)	7 (15.6%)
4. It is <u>quite</u> important.	2 (7.4%)	2 (11.1%)	4 (8.9%)
5. It is <u>very</u> important.	2 (7.4%)	2 (11.1%)	4 (8.9%)

Q.39A. (for those who answered 3,4 or 5 to Question 38) When should students use a material like this?:

Respondents	English teacher	Law teacher	Teachers Total
	7	8	15
1. Undergraduate 1st or 2nd	1 (14.3%)	1 (12.5%)	2 (13.3%)
2. Undergraduate 3rd or 4th	7 (100.0%)	3 (37.5%)	10 (66.7%)
3. Postgraduate Master level	3 (42.9%)	3 (37.5%)	6 (40.0%)
4. Postgraduate Doctor level	0 (0 %)	1 (12.5%)	1 (6.7%)
5. Other.	0 (0 %)	0 (0 %)	0 (0 %)
Answers	11	8	19

Q.39B. (for those who answered 3,4 or 5 to Question 38) What level of the teacher of English should be required concerning the understanding specific area, in short, law itself?:
[Law teachers only.]:

Respondents	English teacher	Law teacher	Teachers Total
	—	8	—
1. Undergraduate 1st or 2nd	—	0 (0 %)	—
2. Undergraduate 3rd or 4th	—	0 (0 %)	—
3. Postgraduate Master level	—	4 (50.0%)	—
4. Postgraduate Doctor level	—	4 (50.0%)	—
5. Other.	—	0 (0 %)	—

Q.40. (for those who answered 1 or 2 to Question 38) Why did you answer negatively?:

Respondents	English teachers	Law teachers	Teachers Total
	20	10	30
1. English teacher should teach <u>General English</u> .	4 (20.0%)	1 (10.0%)	5 (16.7%)
2. The content itself is <u>too specialized?</u>	11 (55.0%)	4 (40.0%)	15 (50.0%)
3. Other.	5 (25.0%)	5 (50.0%)	10 (33.3%)

40.3. *English teacher*

- 1.The important thing is the teacher's speciality, therefore. If a teacher has it, he or she should teach this type of lesson. 2
- 2.I have never seen this book, so it is very difficult comment about it.
- 3.The other important things which should be taught are many.
- 4.The general knowledge of writing some essays should be taught, however, the content itself is difficult to teach for an English teacher.

Law teacher

- 5.The important thing is language ability, so terminology can be studied by themselves.
- 6."Contracts" and "Torts" should be taught in master course.
- 7.In legal education, writing is not necessary.

. Please mention your ideas or advice about English teaching if you have any.

Q.41. Is it important for teachers of English language to teach listening or speaking lessons by use of Audio-visual materials such as Western Judgements through TV or film?:

Respondents	English teacher	Law teacher	Teachers Total
	27	18	45
1. It is <u>not</u> important at all.	9 (33.3%)	4 (22.2%)	13 (28.9%)
2. It is <u>not very</u> important.	3 (11.1%)	1 (5.6%)	4 (8.9%)
3. I am <u>not sure</u> .	9 (33.3%)	8 (44.4%)	17 (37.8%)
4. It is <u>quite</u> important.	5 (23.8%)	4 (22.2%)	9 (20.0%)
5. It is <u>very</u> important.	1 (3.7%)	1 (5.6%)	2 (4.4%)

Q.42A. (for those who answered 3,4 or 5 to Question 41) When should students use a material like this?:

Respondents	English teachers	Law teachers	Teachers Total
	15	13	28
1. Undergraduate 1st or 2nd	6 (40.0%)	5 (38.5%)	11 (39.3%)
2. Undergraduate 3rd or 4th	7 (46.7%)	6 (46.2%)	13 (46.4%)
3. Postgraduate Master level	3 (20.0%)	0 (0 %)	3 (10.7%)
4. Postgraduate Doctor level	0 (0 %)	2 (15.4%)	2 (7.1%)
5. Other.	0 (0 %)	0 (0 %)	0 (0 %)
Answers	16	13	29

Q.42B. (for those who answered 3,4 or 5 to Question 41) What level of the teacher of English should be required concerning the understanding specific area, in short, law itself?:
[Law teachers only.]:

Respondents	English teachers	Law teachers	Teachers Total
	—	13	—
1. Undergraduate 1st or 2nd	—	1 (7.7%)	—
2. Undergraduate 3rd or 4th	—	1 (7.7%)	—
3. Postgraduate Master level	—	6 (53.8%)	—
4. Postgraduate Doctor level	—	4 (30.8%)	—
5. Other.	—	1 (7.7%)	—

Q.43. (for those who answered 1 or 2 to Question 41) Why did you answer negatively?:

Respondents	English teachers	Law teachers	Teachers Total
	12	5	17
1. English teacher should teach <u>General English</u> .	5 (41.7%)	0 (0 %)	5 (29.4%)
2. The content itself is <u>too specialized?</u>	4 (33.3%)	1 (20.0%)	5 (29.4%)
3. Other.	3 (25.0%)	4 (80.0%)	7 (41.1%)

43.3. *English teacher*

1. The important thing is the teacher's speciality, therefore. If a teacher has it, he or she should teach this type of lesson.
2. The lesson by videotapes or TV should be learned by themselves.

Law teacher

3. The important thing is language ability, so terminology can be studied by themselves.
4. If law teacher can cooperate English teacher, the material itself will be

44. The ideas and advice for English Language Teaching in Department of Law

English Teacher

—Negative Ideas—

1. It goes without saying that teachers of English language should teach English to help students with legal studies. However, it is not necessary to teach specialized English. It is better for students to use such materials as Criminal justice in Oxford Progressive English BOOK 3 by A.S. Hornby.
2. I am always conscious that students are majoring in law. However, they have not mastered the ability of specific legal area. Therefore, it is very important for them to have a good opportunity to know a variety of English.
3. Most students do not become lawyers or legal officers. Therefore, it is not necessary for them to learn specialized English. The important thing is to make students interested in English, such as English in the cases.
4. Generally speaking, it is very difficult and dangerous for English teachers to give specialized lessons because their knowledge for law might be insufficient. After improving use of English language, students should major in the specialized area. A case might be useful if students could understand the English language.
5. Even if students are majoring in law, the knowledge of philosophy, literature, arts, and culture should be required. In addition, in order to make students develop an interest in English. I wonder whether the textbooks are concentrated on legal English.
6. It is very difficult for all the English teachers to teach legal English. (2) However, it is possible for them to teach written English with the help of law teachers.
7. Most students do not become lawyers or legal officers. Therefore, it is not necessary for them to specialize. First of all, thinking and writing through Japanese is significant. Secondly, in order to acquire the all-round knowledge for understanding human beings. However, legal English lesson might be significant if such lessons are not given in the English language Lessons in Departments of Law, we had better re-consider the system in Department of Law.

—Positive Ideas—

1. I think that Legal English ought to be significant. However, the English ability of students' gets lower. Some of the excellent students are willing to study it, I think.
2. Thank you very much for listing some textbooks, reference books or important books. The future relationship between Legal Study and English Language Education is clearly apparent. However, considering the students' language ability and progress in the specialized area (legal study), the textbooks are appropriate for 3rd or 4th undergraduate students. Moreover, I wonder how many of the students in Department of Law would need 'Legal English' and whether or not 'General English' should be omitted.
3. This research must be significant, so I believe it will be successful.
4. Most students do not become lawyers or legal officers, therefore, you should divide the English language Lessons into three types: (1) lesson for general English, (2) English for specialized undergraduates (3) English for specialized postgraduate. However, it is very important for students to learn legal terms. In addition, I would like to know why students wished to enter the Department of law.
5. A textbook which links General English with Legal English should be adopted.

6. I have already used textbook 2 (Point of Law). Some short paragraphs from the English newspapers have also been used, especially, connected with law. Thank you very much for introducing the unknown reference books.
7. I am now majoring in Civil Procedure Code. Therefore I am just teaching English from a very practical point of view. In short, English for General Education is important. On the other hand, English for Specific Purpose is also significant. In the latest English Language Lessons, there is too much focus on the four skills. However, it might become dangerous to focus on the very technical areas.

Law Teacher

—Negative Ideas—

1. It is necessary for all the teachers to re-consider whether or not the English Language teaching in Department of Law should be significant. If it is a department of Common Law, English Language Lesson might be helpful.
3. The current situation will never be changed, especially, the staff recruiting for English Language teachers. I would like to know about the Liberal Arts Subjects such as English Language Lessons in Departments of Law in UK.
4. Before considering the English Language Education in Department of Law, we must re-consider Legal Education in the Department of Law. Namely we do not have a consensus about it.

—Positive Ideas—

1. There might not be significant English language lessons for 3rd and 4th year undergraduate students. Therefore we should think about the English Language education for the postgraduate students. 2
2. It is very important to divide English Language Lessons into two types. One is English for the specialized area; lawyers or legal officers and so on. Moreover, this part should have been focused on up to now. The other is an English Lesson for general students who would like to join a company. However, they had better go to a special training school. (2)
3. General English is not necessary. English for law must be concentrated on earlier. In order to do so, a teacher who can understand Japanese-Law and Common-Law should be trained.
4. As one of the language lessons, "Culture in Foreign Countries" has started since 1993. It is very important for students to communicate in English especially. If students can understand the relationship between legal study and language study.
5. A novel which is interesting and has connection with legal issues, such as Kensatugawano shonin by Agatha Christy. Basically, the textbooks should interest students very much. Even if a teacher is not majoring in law, a teacher could teach Law Theory and so on.

Appendix 6.3: General survey of English language teaching in the Department of Law in Keio University - Comparative analysis with teacher's view & student's view

1. English Language Teaching in Department of Law

	Date	Number
(Total respondents : —		259)
(Teachers of English: October in 1993		28)
(Teachers of Law : Novenber in 1993		18)
(Students : October in 1993		213)

Q.1 Do you think that students in the Faculty of Law should study English?:

	English Teachers	Law Teachers	Students
Respondents	28	18	213
1. Yes.	26 (92.9%)	17 (94.4%)	172 (80.8%)
2. No.	0 (0 %)	0 (0 %)	14 (6.6%)
3. I'm not sure.	2 (7.1%)	1 (5.6%)	27 (12.7%)

Q.2A (to a person who answered 1 to Question 1) Why did you answer 'yes'?

[You can answer more than two.]:

	English Teachers	Law Teachers	Students
Respondents	26	17	—
1. In the future, English will become important.	6 (23.1%)	9 (32.9%)	—
2. High school English is not enough.	8 (30.8%)	1 (5.9%)	—
3. In order to communicate our wishes, views, and feelings to foreigners by means of the English language as an international communication tool.	12 (46.2%)	7 (41.2%)	—
4. to help acquisition of the knowledge of the specific area (law)	17 (65.4%)	14 (82.4%)	—
5. Other.	3 (11.5%)	0 (0 %)	—
Answers	46	31	—

- 2A.5.1. to improve the international understanding
- 2. as a tool for getting the general information
- 3. English should only be taught to students who want to communicate with foreigners.

Q.2B (to a person who answered 2 to Question 1) Why did you answer 'no'?

[You can answer more than two.] [Students only.]:

Respondents	English Teachers	Law Teachers	Students
	—	—	14
1. In the future, English will <u>not</u> be important.	—	—	4 (28.6%)
2. <u>High school English</u> is enough.	—	—	3 (21.4%)
3. The English taught at <u>university level</u> is <u>useless</u> .	—	—	5 (35.7%)
4. English should focus on <u>the knowledge of the specific area(law)</u>	—	—	3 (21.4%)
5. Other.	—	—	2 (14.3%)
Answers	—	—	17

3. Which skill do you focus on? (English teachers)
Which skill should an English teacher focus on? (Law teachers)
Which skill would you like most to focus on? (Students)
[You can answer more than two.]:

	English Teachers	Law teachers	Students
Respondents	28	18	213
1. Listening (L)	17 (60.7%)	5 (27.8%)	41 (19.2%)
2. Speaking (S)	7 (25.0%)	6 (33.3%)	142 (66.7%)
3. Reading (R)	20 (71.4%)	16 (88.9%)	24 (11.3%)
4. Writing (W)	12 (42.9%)	6 (33.3%)	11 (5.2%)
5. Other.	2 (7.4%)	0 (0 %)	—
Answers	58	23	214

- 3.5.1. understanding of the culture, society, history and nationality as a background knowledge
- 2. the ability of understanding and judgment
- 3. comprehension

Q.4 (to a person who answered 1 to Question 3) What level in such skill should be aimed at?
(All the students answered Question3)

Listening skill :

	English Teachers	Law teachers	Students
Respondents	17	5	213
1. can listen to and understand English in a junior high school or English Achievement Test for 3rd Grade	0 (0 %)	0 (0 %)	8 (3.8%)
2. can listen to and understand English in a high school or English Achievement Test for 2nd Grade	8 (47.1%)	2 (27.8%)	73 (34.3%)
3. can listen to and understand English through Western TV., Movies, FEN., BBC., or etc.	9 (52.9%)	4 (27.8%)	132 (62.0%)
Answers	17	6	213

Q.5 (to a person who answered 2 to Question 3) What level in such skill should be aimed at?
(All the students answered Question3)

Speaking skill:

Respondents	English Teachers	Law teachers	Students
	7	6	213
1. can communicate at a <u>beginner's level</u>	4(57.1%)	1(16.7%)	43(20.2%)
2. can communicate <u>fluently</u>	0(0 %)	2(33.3%)	143(67.1%)
3. can <u>debate</u>	1(14.3%)	2(33.3%)	27(12.7%)
Answers	2	1	213

Q.6 (to a person who answered 3 to Question 3) What level in such skill should be aimed at?
(All the students answered Question3)

Reading skill :

Respondents	English Teachers	Law teachers	Students
	20	16	213
1. (without an English-Japanese dictionary) can read <u>an easy novel</u>	3(15.0%)	1(6.3%)	37(17.4%)
2. (without an English-Japanese dictionary) can read <u>newspapers or journals</u>	19(95.0%)	9(56.3%)	167(78.4%)
3. can read a specialized <u>book(law)</u>	5(25.0%)	7(43.8%)	9(4.2%)
Answers	27	17	213

6.5.1. use 2,3 and 4 according to the class-size or level

7. (to a person who answered 4 to Question 3) What level in such skill should be aimed at?
(All the students answered Question3)

Writing skill :

Respondents	English Teachers	Law teachers	Students
	12	6	213
1. can write a <u>letter</u>	4(33.3%)	2(33.3%)	84(39.4%)
2. can write some <u>paragraphs</u> which might be essential for work	4(33.3%)	6(66.7%)	119(55.9%)
3. can write an <u>essay</u> concerned with the specialized area no answers 2	2(16.7%) 2	0(0 %)	10(4.7%) —
Answers	12	8	213

- 7.4.1. Students can write almost all they would like to express.
2. Sentence-level writing and paragraph writing.
3. No3 is ideal, however, it is very difficult.

2. English Language Lessons for Law Students (ESP)

Q.8 Here is an example of a textbook which focuses on the English for Specific Purpose, in short, law. This book is prepared for studying law itself, or Common Law. After referring to this example, please answer for Questions.

(textbook) GERMOLUS v. SAUSSER

Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 946.

START, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial. ... (早川、1962:11-12)

—日本語訳— GERMOLUS v. SAUSSER

ミネソタ州最高裁判所、1901年、

ミネソタ州最高裁判所公式判例集八三卷一四一頁

West Publishing Co. の商業出版判例集National Reporter SystemのうちのNorthwestern Reporter部の八五卷九四六頁

1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に与えた損害に対する損害賠償請求の訴。[被告は]正当防衛のため行った行為である、と抗弁した。[陪審は]原告勝訴、損害賠償金1,100 ドルと評決した。被告は再審の申立をしたが、却下の決定を受けたため、これを不服として、抗告した。... (早川1962:11-17)

一般英語と法律英語を分かつ場合、相互に重複し、影響し合っている所以他们が全く独立しているとはいえません。しかしながら、以下に幾つの特徴をあげさせていただきます。

- (1) 普通の語句を特殊の意味に使う
- (2) 一般には廃語になっている古期英語、中期英語を多用する
- (3) ラテン語を多用する
- (4) 一般の英語語彙に入っていないOld French Words, Anglo Norman Wordsを使う
- (5) 専門術語を使う
- (6) 仲間言葉を使う
- (7) 改まった言葉使いをする
- (8) 伸縮のある表現を使う(略語)
- (9) 極端に厳密な表現を使う
- (10) その他

(早川、1992:12)

Is it important for teachers of the English Language to teach by use of a book like this?
[English teacher only.]

Would you like to learn such a terminological lesson as a part of reading?:

Respondents	English teachers	Law teachers	Students
	27	—	213
1. It is <u>not</u> important <u>at all</u> .	13 (48.1%)	—	13 (6.1%)
2. It is <u>not</u> important <u>very much</u> .	8 (29.6%)	—	25 (11.7%)
3. I am <u>not</u> sure.	4 (14.8%)	—	55 (25.8%)
4. It is <u>a little</u> important.	2 (7.4%)	—	53 (24.9%)
5. It is <u>very</u> important.	0 (0 %)	—	53 (24.9%)

Q.9. Is it important for teachers of English language to teach writing essays or reports which are focused on the legal area? [English & law teachers]

Are you interested in writing lesson which might be concentrated on assignments, essays, reports, etc., in legal area? [Students]:

Respondents	English teachers	Law teachers	Students
	27	18	213
1. It is <u>not</u> important <u>at all</u> .	14 (51.9%)	8 (44.4%)	47 (22.1%)
2. It is <u>not</u> important <u>very much</u> .	6 (22.2%)	2 (11.1%)	46 (21.6%)
3. I am <u>not</u> sure.	3 (11.1%)	4 (22.2%)	59 (27.7%)
4. It is <u>a little</u> important.	2 (7.4%)	2 (11.1%)	30 (14.1%)
5. It is <u>very</u> important.	2 (7.4%)	2 (11.1%)	31 (14.6%)

7. In legal education, writing is not important.

Q.10 Is it important for teachers of English language to teach listening or speaking lessons by use of Audio-visual materials such as Western Judgements through TV or film?

[English & Law Teachers]

Are you interested in listening lesson and speaking lesson by use of Audio-visual materials? [Students]:

Respondents	English teachers	Law teachers	Students
	27	18	213
1. It is <u>not</u> important <u>at all</u> .	9 (33.3%)	4 (22.2%)	14 (6.6%)
2. It is <u>not</u> important <u>very much</u> .	3 (11.1%)	1 (5.6%)	15 (7.0%)
3. I am <u>not</u> sure.	9 (33.3%)	8 (44.4%)	31 (14.6%)
4. It is <u>a little</u> important.	5 (23.8%)	4 (22.2%)	59 (27.7%)
5. It is <u>very</u> important.	1 (3.7%)	1 (5.6%)	94 (44.1%)

Appendix 6.4: The Questionnaires: 1st Year Student's Version

慶應義塾大学法学部法律学科の英語教育に関するアンケート
慶應義塾大学大学院法学研究科 研究生 寺内 一

- はじめに、
このアンケートは私こと寺内 一の、英国University of Warwickにおきます
PhD 論文 "Research into the English Language Requirements for Law Students
in a Japanese University"
のリーサーの一部です。法学部法律学科の英語教育におきまして、法律に関連する
事項の英語学習が可能なかどうかを調査することを目的に行うものです。下記の
ことに注意して答えて下さい。
- 1 質問をよく読み、率直に答えて下さい。
 - 2 答はすべて用紙の回答欄の適当な番号を○印で囲んで下さい。一部記入し
ていただくところがあります。
(例) ①ある 2.ない
 - 3 選ぶ選択肢の数に指示していない場合は、1つだけ選んで下さい。ただし、
念のため「1つだけ選んで下さい」と書いてある場合もあります。
 - 4 選ぶ選択肢の数「2つ以上選んでもかまいません」と書いてある場合は、
できるだけ主なものに限定し数を選びして下さい。
 - 5 選択肢がスケールで
1. 2. 3. 4. 5.
|-----|
のように示してある場合は、1がその程度が最低(小)で、3が中ぐらい
5が最高(大)と考えて下さい。2は1と3、4は3と5の中間の程度を
示します。
① 2. 3. 4. 5.
|-----|
 - 6 質問によっては、遠く離れて前にある質問とつながっているものがありま
す。前の質問を確認してから答えて下さい。

では、よろしくお願いいたします。

平成5年6月1日

- 0 -

学生用アンケート(1年生用)

1. あなた自身について

- 1. 性別 1. 男 2. 女
- 2. 年齢 1. 18歳 2. 19歳 3. 20歳 4. 21歳 5. 22歳以上
- 3. 卒業した高校の種類: (高専の人はずをを選んで下さい)
1. 国立 2. 公立 3. 私立 4. 外国 5. その他
- 4. (海外での生活経験がある人に) その期間はどれくらいでしたか: [2つ以上
の経験がある場合は、その年月を合計して下さい]
1. 3ヶ月以内 2. 6ヶ月以内 3. 1年以内 4. 2年以内
5. 2年を超える
- 5. (質問4に答えた人に) その期間はいつ終わりましたか
1. 小学校入学以前 2. 小学校時代 3. 中学校時代
4. 高校時代 5. 大学時代
- 6. (質問5に答えた人に) どちらの国ですか: [2つ以上選んでもかまいません]
1. U.S.A. 2. U.K. 3. Germany 4. France
5. その他()
- 7. 3年生になりましたら法律のどの分野を専攻したいですか
1. 民法関係 2. 公法関係 3. 未定
もし決定しているようでしたら具体的に書いてください
_____法

0. 最初に

- 以下の英文をお読み下さい
①初めて見る単語に下線をお引き下さい。
例 University of Warwick
②見たことはあるのですが、意味がよくわからない単語をお読み下さい。
例 civil law
(例) - 英文 -

GERMOIUS v. SAUSSEN
Supreme Court of Minnesota, 1901, 83 Minn, 141, 85 N.W. 946.
STANT, C.J. Action to recover damages for personal injuries
sustained by the plaintiff by reason of an assault and battery
perpetrated upon him November 14, 1899, by the defendant. The
defense was that the act was done in self-defense. Verdict for
plaintiff for \$1,100, and the defendant appealed from an order
denying his motion for new trial. ...
(早川, 1962:11-12)

この英文の日本語訳、ならびに解説は 頁にございます。
次頁からアンケート調査の本体に入ります。
よろしくお願いいたします。

- 1 -

2. 一般教養課程における英語学習について(現在)

- 8. クラスを記入して下さい 1年__組
- 9. (質問8に答えた人に) 以降すべて必修クラスの英語について答えて下さい。
その授業は主にどの分野を中心にした授業ですか
1. 聞く・話す 2. 読解 3. 作文・文法
4. 総合(1.~3.を含む)
- 10. (質問9に答えた人に) その授業に満足していますか
1. 2. 3. 4. 5.
非常に不満 |-----| 非常に満足
- 11. (質問9で1と答えた人に) 授業の中心はどこにおかれるとよいと思いますか
: [2つ以上選んでもかまいません]
1. 聞き取り 2. 日常会話 3. スピーチ
4. ディスカッション 5. その他
- 12. (質問9で2と答えた人に) 授業の中心はどこにおかれるとよいと思いますか
: [2つ以上選んでもかまいません]
1. 訳読 2. 速読・大意把握
3. 主として英語による内容理解 4. その他
- 13. (質問9で3と答えた人に) 授業の中心はどこにおかれるとよいと思いますか
: [2つ以上選んでもかまいません]
1. 和文英訳 2. 自由作文 3. 文型や表現等の総合演習
4. 英文法の理解 5. その他
- 14. 授業の学習量(教材の量・進度等)をどう思いますか
1. 多い 2. 適当 3. 少ない
- 15. 授業全体で判断して、あなたは授業にどのように取り組んでいますか
1. 2. 3. 4. 5.
非常に消極的に |-----| 非常に積極的に

16. (質問15で4か5と答えた人に)積極的に授業に取り組んでいる理由は何ですか: [2つ以上選んでもかまいません]

1. 英語が好きだから
2. 英語が必要だから
3. 授業が必要だから
4. 先生が好きだから
5. 良い成績を取りたいから

17. (質問15で1か2と答えた人に)消極的に授業に取り組んでいる理由は何ですか: [2つ以上選んでもかまいません]

1. 英語が嫌いだから
2. 英語は必要ないと思うから
3. 授業がつまらないから
4. 先生が嫌いだから
5. 授業がわからないから

18. (質問15で3と答えた人に)授業がつまらない理由は何ですか: [2つ以上選んでもかまいません]

1. 程度が高すぎるから
2. 程度が低すぎるから
3. 教材がよくないから
4. 教え方がよくないから
5. 自分の習いたいことが習えないから

19. 今の授業で最も改善すべきであると思う点はどれですか

1. 教材
2. 授業方法
3. 履修方法
4. クラスサイズ
5. 先生の質

20. 日本人の先生は授業でどのくらい英語を使いますか

1. 2. 3. 4. 5.
- 全然英語を使わない | | | | 全部英語を使う

21. 外国人の先生に英語を習いたいと思いますか

1. 習いたい
2. 習いたくない
3. どちらともいえない

22. 英語の授業の教材についてお聞きします。(質問9で聞く・話す・読解・作文・文法・総合)と分けましたが、その教材をどう思いますか

1. 2. 3. 4. 5.
- 非常につまらない | | | | 非常に面白い

23. (質問22に答えた人に)その教材の程度をどう思いますか

1. 2. 3. 4. 5.
- 非常にやさしい | | | | 非常にむずかしい

- 4 -

3. 一般教養課程における英語学習について (将来)

24. 一般教育で英語を学ぶことは必要だと思いますか

1. 必要
2. 不必要
3. どちらともいえない

25. (質問24で2と答えた人に)不必要と思う理由は何ですか: [2つ以上選んでもかまいません]

1. 将来必要になるとは思えないから
2. 高校までの英語力で十分だから
3. 大学で習う英語は役に立たないから
4. 専門分野の勉強に力を入れたいから
5. その他

26. 一般教育の英語は主として何を目的としたらよいですか: [2つ以上選んでもかまいません]

1. 英語によるコミュニケーション
2. 国際人の養成
3. 教養を高めること
4. 専門教育の基礎力養成
5. その他

27. 大学入学以来向上したいと思う英語力はどれですか

1. 聞く力
2. 話す力
3. 読む力
4. 書く力
5. 向上したいとは思わない

28. 高校までの英語学習で劣っていると思う英語力はどれですか

1. 聞く力
2. 話す力
3. 読む力
4. 書く力
5. 劣っているとは思えない

29. 一般教育の英語ではどの技能を最も重点的に習いたいと思いますか: [1つだけ選んで下さい]

1. 聞くこと
2. 話すこと
3. 読むこと
4. 書くこと

30. 一般教育の質問30(1)～33(4)の到達目標はそれぞれどの程度にしたらよいと思いますか

- (1) 聞くこと
1. 中学校での基礎英語、英検3級程度の英語が聞き取れる
2. 高校での基礎英語、英検2級程度の英語が聞き取れる
3. 米国のテレビ、映画、FIM、BBC等の英語が聞き取れる

- 5 -

31. (2) 話すこと

1. 日常会話がどうにかできる
2. 日常会話がかなり自由にできる
3. 議論ができる

32. (3) 読むこと (辞書をあまり用いないで)

1. やさしい小説類が読める
2. 一般の新聞や雑誌が読める
3. 専門書が読める

33. (4) 書くこと

1. 日常の手紙が書ける
2. 仕事に必要な文書が書ける
3. 専門の論文が書ける

34. 大学の英語教育の大きな障害は次のどれだと思いますか: [2つ以上選んでもかまいません]

1. クラスの人数が多すぎる
2. 授業方法に工夫がない
3. (聞く、話す、読む、書くなど) 習いたい技能が選べない
4. 外国人の先生に習えない
5. その他

35. 次の質問35(1)～39(5)のような考えをどう思いますか

- (1) 1年次と2年次では不足なので3年次と4年次にも英語を選択できるようにする
1. 賛成
2. 反対
3. どちらともいえない

36. (2) 英語はすべて自由選択とする

1. 賛成
2. 反対
3. どちらともいえない

37. (3) (聞く、話す、読む、書くなど) 技能別クラス分けをする

1. 賛成
2. 反対
3. どちらともいえない

38. (4) (初級、中級、上級など) 学力別クラス分けをする

1. 賛成
2. 反対
3. どちらともいえない

39. (5) 英語学力検定制度を設け、合格者には英語の単位を認める

1. 賛成
2. 反対
3. どちらともいえない

- 6 -

4. 法律を学ぶ学生のための英語学習について

42. 現在、慶應義塾大学法学部法律学科の英語の授業においては、「法律に関連、あるいは、法律そのものを題材とした授業」というものは存在していません。もし法律を学ぶ学生のための英語の授業というものがあれば、あなたはそれに興味がありますか

1. 2. 3. 4. 5.
- 全然興味がない | | | | 非常に興味がある

43. (質問42で1か2と答えた人に) どうしてあまり関心がないのですか

1. 専門分野は日本語で学習したいから
2. 日本の法体系は英語ではわかりづらいから
3. 興味がつかめないから
4. 英語は役に立たそうにもないから
5. その他

44. (質問42で3か4か5と答えた人に) その場合どの分野に重点を置きたいですか

1. 聞く・話す
2. 読解
3. 作文・文法
4. 総合(1.～3.を含む)

- 7 -

45. 次の例を見て下さい。これはあるよく知られた単語が、法律上での特殊な使われ方を示しています。意味の習得を含めてこういったことを学習したいと思いませんか

1. 2. 3. 4. 5.
あまり思わない | — | — | — | 多いに思う

(例) - 英文 -

GERMOLUS v. SAUSSER

Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 946.

SIART, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial. ...

- 日本語訳 -

GERMOLUS v. SAUSSER

ミネソタ州最高裁判所、1901年。

ミネソタ州最高裁判所公式判例集八三巻一四一頁

West Publishing Co. の商業出版判例集 National Reporter System

のうちの Northwestern Reporter 部の八五巻九四六頁

1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に与えた損害に対する損害賠償請求の訴。【被告は】正当防衛のため行った行為である、と反弁した。【原告は】原告損害、損害賠償金1,100ドルと評決した。被告は再審の申立をしたが、却下の決定を受けたため、これを不服として、抗告した。...

(早川1962:11-17)

46. (英米の裁判のテレビ、映画があります) こういった教材で行う授業に興味はありますか

1. 2. 3. 4. 5.
ない | — | — | — | ある

47. 専門分野(法律)の論文、レポートなどを書くことを中心とした授業には興味がありますか

1. 2. 3. 4. 5.
ない | — | — | — | ある

48. 「法の歴史」といったものを英語を通して読んでいく授業に興味がありますか

1. 2. 3. 4. 5.
ない | — | — | — | ある

49. 「英米法」を学ぶための入門的な授業に興味がありますか

1. 2. 3. 4. 5.
ない | — | — | — | ある

50. 将来、法律に関する専門的な英語を学びたいと思いますか

1. 2. 3. 4. 5.
思わない | — | — | — | 思う

さいごに、

今回のアンケート調査は1985年3月に行われました。

大学「一般教育」教育実態調査研究会の研究調査報告書

大学英語教育に関する実態と将来像の総合的研究(Ⅱ) - 学生の立場 -
を参考にさせていただきました。

御協力ありがとうございました。

(参考文献)

大学「一般教育」教育実態調査研究会、研究代表者 小池生夫(1985)

大学英語教育に関する実態と将来像の総合的研究(Ⅱ) - 学生の立場 -

東京：文部省科学研究費補助金研究(廣域基礎人学)大学「一般教育」

教育実態調査研究会、研究代表者 小池生夫

早川武夫(1962) 法律英語の常識、東京：日本評論社

Appendix 6.5: The Questionnaires: 3rd and 4th Year Student's Version

慶應義塾大学法学部法律学科の英語教育に関するアンケート

慶應義塾大学大学院法学研究科 研究生 寺内 一

はじめに、

このアンケートは私こと寺内 一の、英国University of Warwickにおきます
PhD論文 "Research into the English Language Requirements for Law Students
in a Japanese University"

のリリースの一部です。法学部法律学科の英語教育におきまして、法権に関連する
事項の英語学習が可能なかどうかを調査することを目的に行うものです。下記の
ことに注意して答えて下さい。

- 質問をよく読み、率直に答えて下さい。
- 答はすべて川紙の回答欄の適当な番号を○印で囲んで下さい。一部記入し
ていただくところがあります。
(例) ①ある 2. ない
- 選ぶ選択肢の数が指示していない場合は、1つだけ選んで下さい。ただし、
念のため「1つだけ選んで下さい」と書いてある場合もあります。
- 選ぶ選択肢の数が「2つ以上選んでもかまいません」と書いてある場合は、
できるだけ主なものに限定し数をしばって下さい。
- 選択肢がスケールで

1. 2. 3. 4. 5.

|-----|

のように示してある場合は、1がその程度が最低(小)で、3が中ぐらい
5が最高(大)と考えて下さい。2は1と3、4は3と5の中間の程度を
示します。

(解答例) ① 2. 3. 4. 5.

|-----|

- 質問によっては、遠く離れて前にある質問とつながっているものがありま
す。前の質問を確認してから答えて下さい。

では、よろしくお願いいたします。

平成5年6月1日

- 1 -

学生用アンケート(3・4年生用)

1. あなた自身について

- 性別 1. 男 2. 女
- 学年 1. 3年生 2. 4年生
- 卒業した高校の種類:(高専の人は5を選んで下さい)
1. 国立 2. 公立 3. 私立 4. 外国 5. その他
- (海外での生活経験がある人に)その期間はどれくらいでしたか:[2つ以上
の経験がある場合は、その年月を合計して下さい]
1. 3ヵ月以内 2. 6ヵ月以内 3. 1年以内 4. 2年以内
5. 2年を超える
- (質問4に答えた人に)その期間はいつ終わりましたか
1. 小学校入学以前 2. 小学校時代 3. 中学校時代
4. 高校時代 5. 大学時代
- (質問5に答えた人に)どちらの国ですか:[2つ以上選んでもかまいません]
1. U.S.A. 2. U.K. 3. Germany 4. France
5. その他()

- 現在所属する研究会ならびに専攻を記入して下さい

研究会

専攻 法

0. 最初に

以下の英文をお読み下さい

- 初めて見る単語に下線をお引き下さい。

例 University of Warwick

- 見たことはあるのですが、意味がよくわからない単語をお読み下さい。

例 civil law

(例) - 英文 -

GERHOLUS v. SAUSSER

Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 946.

STARR, C.J. Action to recover damages for personal injuries
sustained by the plaintiff by reason of an assault and battery
perpetrated upon him November 14, 1899, by the defendant. The
defense was that the act was done in self-defense. Verdict for
plaintiff for \$1,100, and the defendant appealed from an order
denying his motion for new trial. ...

(早川, 1962:11-12)

この英文の日本語訳、ならびに解説は2頁にございます。
次頁からアンケート調査の本体に入ります。
よろしくお願いいたします。

- 0 -

2. 一般教養課程における英語学習について(過去)

- 1年次のクラスを記入して下さい 1年 ____期
- (質問8に答えた人に)以降すべて1年次の必修クラスの英語について答えて
下さい。1年次の授業は主にどの分野を中心にした授業でしたか
1. 聞く・話す 2. 読解 3. 作文・文法
4. 総合(1.~3.を含む)
- (質問9に答えた人に)その授業に満足しましたか
1. 2. 3. 4. 5.
非常に不満 |-----| 非常に満足
- (質問9で1と答えた人に)授業の中心はどこにおかれるとよいと思いますか
:[2つ以上選んでもかまいません]
1. 聞き取り 2. 日常会話 3. スピーチ
4. ディスカッション 5. その他
- (質問9で2と答えた人に)授業の中心はどこにおかれるとよいと思いますか
:[2つ以上選んでもかまいません]
1. 読解 2. 読解・大意把握
3. 主として英語による内容理解 4. その他
- (質問9で3と答えた人に)授業の中心はどこにおかれるとよいと思いますか
:[2つ以上選んでもかまいません]
1. 和文英訳 2. 自由作文 3. 文型や表現等の総合演習
4. 英文法の理解 5. その他
- 1年次に受けた授業の学習量(教材の量・進度等)をどう思いましたか
1. 多い 2. 適当 3. 少ない
- 1年次に受けた授業全体で判断して、あなたは授業にどのように取り組みまし
たか
1. 2. 3. 4. 5.
非常に消極的に |-----| 非常に積極的に

16. (質問15で4からと答えた人に)積極的に授業に取り組んだ理由は何ですか:
[2つ以上選んでもかまいません]

1. 英語が好きだったから 2. 英語が必要だったから
3. 授業が必要だったから 4. 先生が好きだったから
5. 良い成績を取りたかったから

17. (質問15で1か2と答えた人に)消極的に授業に取り組んだ理由は何ですか:
[2つ以上選んでもかまいません]

1. 英語が嫌いだったから 2. 英語は必要ないと思ったから
3. 授業がつまらなかったから 4. 先生が嫌いだったから
5. 授業がわからなかったから

18. (質問15で3と答えた人に)授業がつまらなかった理由は何ですか:
[2つ以上選んでもかまいません]

1. 程度が高すぎるから 2. 程度が低すぎるから
3. 教材がよくなかったから 4. 教え方がよくなかったから
5. 自分の習いたいことが習えなかったから

19. 今の授業で最も改善すべきであると思う点はどれですか

1. 教材 2. 授業方法 3. 履修方法 4. クラスサイズ 5. 先生の質

20. 日本人の先生は授業でどのくらい英語を使いましたか

1. 2. 3. 4. 5.

全然英語を使わない | | | | 全部英語を使う

21. 外国人の先生に英語を習いたいと思いますか

1. 習いたい 2. 習いたくない 3. どちらともいえない

22. 1年次で受けた英語の授業の教材についてお聞きします。(質問9で
聞く・話す・読解・作文・文法・総合)と分けましたが、その教材をどう思
いましたか

1. 2. 3. 4. 5.

非常につまらない | | | | 非常におもしろい

23. (質問22に答えた人に)その教材の程度をどう思いましたか

1. 2. 3. 4. 5.

非常にやさしい | | | | 非常にむずかしい

-4-

3. 一般教養課程における英語学習について (将来)

24. 一般教育で英語を学ぶことは必要だと思いますか

1. 必要 2. 不必要 3. どちらともいえない

25. (質問24で2と答えた人に)不必要と思う理由は何ですか:[2つ以上選ん
でもかまいません]

1. 将来必要になるとは思えないから 2. 高校までの英語力で十分だから
2. 大学で習う英語は役に立たないから 3. 専門分野の勉強に力を入れたいから
5. その他

26. 一般教育の英語は主として何を目的としたらよいですか:[2つ以上選ん
でもかまいません]

1. 英語によるコミュニケーション 2. 国際人の養成
3. 教養を高めること 4. 専門教育の基礎力養成
5. その他

27. 大学入学以来向上したと思う英語力はどれですか

1. 聞く力 2. 話す力 3. 読む力 4. 書く力
5. 向上したとは思えない

28. 大学入学以来低下したと思う英語力はどれですか

1. 聞く力 2. 話す力 3. 読む力 4. 書く力
5. 低下したとは思えない

29. 一般教育の英語ではどの技能を最も重点的に習いたいと思いますか:
[1つだけ選んで下さい]

1. 聞くこと 2. 話すこと 3. 読むこと 4. 書くこと

30. 一般教育の質問30(1)~33(4)の到達目標はそれぞれの程度にしたらよいと
思いますか

- (1) 聞くこと 1. 中学校での基礎英語、英検3級程度の英語が聞き取れる
2. 高校での基礎英語、英検2級程度の英語が聞き取れる
3. 英米のテレビ、映画、FEM、BBC等の英語が聞き取れる

-5-

31. (2) 話すこと 1. 日常会話がどうにかできる
2. 日常会話がかなり自由にできる
3. 議論ができる

32. (3) 読むこと(辞書をあまり用いないで)
1. やさしい小説類が読める
2. 一般の新聞や雑誌が読める
3. 専門書が読める

33. (4) 書くこと 1. 日常の手紙が書ける
2. 仕事に必要な文章が書ける
3. 専門の論文が書ける

34. 大学の英語教育の大きな障害は次のどれだと思いますか:[2つ以上選ん
でもかまいません]

1. クラスの人数が多すぎる 2. 授業方法に工夫がない
3. (聞く・話す・読む・書くなど)習いたい技能が選べない
4. 外国人の先生に習えない 5. その他

35. 次の質問35(1)~39(5)のような考えをどう思いますか

- (1) 1年次と2年次では不足なので3年次と4年次にも英語を選択できる
ようにする
1. 賛成 2. 反対 3. どちらともいえない

36. (2) 英語はすべて自由選択とする
1. 賛成 2. 反対 3. どちらともいえない

37. (3) (聞く・話す・読む・書くなど)技能別クラスわけをする
1. 賛成 2. 反対 3. どちらともいえない

38. (4) (初級・中級・上級など)学力別クラスわけをする
1. 賛成 2. 反対 3. どちらともいえない

39. (5) 英語学力検定制度を設け、合格者には英語の単位を認める
1. 賛成 2. 反対 3. どちらともいえない

40. 一般教育の英語のクラスの人数はどのくらいがよいと思いますか
1. 20人以下 2. 21~30人 3. 31~40人 4. 41~50人 5. 51人以上

41. 外国語教育は将来どうするとよいと思いますか

1. 英語だけを必修とする
2. 英語を必修とし、他の外国語1つを選択必修とする
3. 英語を含めて外国語のうちどれか1つを必修とする
4. 英語を含めて外国語のうち2つを必修とする
5. 英語を含めて外国語はすべて選択にする

4. 法律を学ぶ学生のための英語学習について

42. 現在、慶應義塾大学法学部法律学科の英語の授業においては、「法律に関連、
あるいは、法律そのものを題材とした授業」というものは存在していません
。もし法律を学ぶ学生のための英語の授業というものがあれば、あなたはそれ
に興味がありますか

1. 2. 3. 4. 5.

全然興味がない | | | | 非常に興味がある

43. (質問42で1か2と答えた人に)どうしてあまり関心がないのですか

1. 専門分野は日本語で学習したいから
2. 日本の法体系は英語ではわかりづらいから
3. 実体がつかめないから
4. 英語は役に立ちそうにもないから
5. その他

44. (質問42で3か4か5と答えた人に)その場合どの分野に重点を置きたいで
すか

1. 聞く・話す 2. 読解 3. 作文・文法 4. 総合(1.~3.を含む)

45 次の例を見て下さい。これはあるよく知られた単語が、法律上での特殊な使われ方を示しています。意味の習得を含めてこういったことを学習したいと思いますか

1. 2. 3. 4. 5.
あまり思わない |---|---|---| 多に思う
(例) - 英文 -

GERMOLUS v. SAUSSER
Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 916.
STARI, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial. ---

- 日本語訳 -
GERMOLUS v. SAUSSER
ミネソタ州最高裁判所、1901年、
ミネソタ州最高裁判所公式判例州八三巻一四一頁
West Publishing Co. の商業出版判例集 National Reporter System
のうちの Northwestern Reporter 部の八五巻九四六頁
1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に与えた損害に対する損害賠償請求の訴。〔被告は〕正当防衛のため行った行為である、と抗弁した。〔陪審は〕原告勝訴、損害賠償金1,100ドルと評決した。被告は両審の申立をしたが、却下の決定を受けたため、これを不服として、抗告した。…
(早川1962:11-17)

46. (英米の裁判のテレビ、映画があります) こういった教材で行う授業に興味がありますか

1. 2. 3. 4. 5.
ない |---|---|---| ある

47. 専門分野 (法律) の論文、レポートなどを書くことを中心とした授業には興味がありますか

1. 2. 3. 4. 5.
ない |---|---|---| ある

48. 「法の歴史」といったものを英語を通して読んでいく授業に興味がありますか

1. 2. 3. 4. 5.
ない |---|---|---| ある

49. 「英米法」を学ぶための入門的な授業に興味がありますか

1. 2. 3. 4. 5.
ない |---|---|---| ある

50. 将来、法律に関する専門的な英語を学びたいと思いますか

1. 2. 3. 4. 5.
思わない |---|---|---| 思う

さいごに、
今回のアンケート調査は1985年3月に行われました。
大学「一般教育」教育実態調査研究会の研究調査報告書
大学英語教育に関する実態と将来像の総合的研究(Ⅱ) - 学生の立場 -
を参考にさせていただきました。

御協力ありがとうございました。

(参考文献)
大学「一般教育」教育実態調査研究会、研究代表者 小池生夫 (1985)
大学英語教育に関する実態と将来像の総合的研究(Ⅱ) - 学生の立場 -
東京：文部省科学研究費補助金研究 (慶應義塾大学) 大学「一般教育」
教育実態調査研究会、研究代表者 小池生夫

早川武夫 (1962) 法律英語の常識、東京：日本評論社

Appendix 6.6: The Questionnaires: English Teacher's Version

法律学専攻の学生に対する英語教育に関するアンケート (英語教師編)
慶應義塾大学大学院法研究科 研究生 寺内 一

教師用アンケート (英語)

1. あなた自身について

- はじめに、
このアンケートは私の、英国University of Warwick におきます
PhD 論文 "Research into the English Language Requirements for Law Students
in a Japanese University"
のリーサーの一部でございます。法律学専攻の学生に対してどういった英語教育
が可能なのか、先生の御意見を伺いたく存じます。下記のことにご注意を払わ
れましてお答えください。
- 1 答はすべて用紙の回答欄の適当な番号を○印でお読み下さい。一部記入
していただくところがございます。
(例) ①ある 2. ない
 - 2 選ぶ選択肢の数が指示していない場合は、1つだけお選び下さい。ただし、
念の為「1つだけ選んで下さい」と書いてある場合もございます。
 - 3 選ぶ選択肢の数が「2つ以上選んでもかまいません」と書いてある場合は、
できるだけ主なものに限定し数をおしほり下さい。
 - 4 選択肢がスケールで
1. 2. 3. 4. 5.
|-----|
のように示してある場合は、1がその程度が最低(小)で、3が中ぐらい
5が最高(大)とお考え下さい。2は1と3、4は3と5の中間の程度を
示すものとしたします。
(解答例) 1. 2. 3. 4. ⑤
|-----|
 - 5 質問によっては、遠く離れて前にある質問とつながっているものがございます。
前の質問をご確認なさった上でお答え下さい。

では、よろしくお願い申し上げます

平成5年10月1日

- 1 -

2. 法律学専攻の学生の英語学習について

① (目標・目的)

10. 法学部法律学科あるいは法学部で英語を教えることは必要だと思いますか
1. 必要 2. 不必要 3. どちらともいえない
11. (質問10で1と答えた人に) 必要と思う理由は何ですか: [2つ以上選んでも
かまいません]
1. 将来必要になるはずだから
2. 高校までの英語では不十分だから
3. 外国人とのコミュニケーションをはかるために
4. 専門分野の勉強の手助けになるから
5. その他 ()
12. 法学部法律学科あるいは法学部として英語の到達目標を設定していますか
1. 学部として設定している
2. 個人として設定している
3. 設定していない
4. その他 ()
13. 到達目標を設定している場合には、設定している技能に○印をつけ、その目標
を具体的に書き下下さい: [2つ以上選んでもかまいません]
1. Listening (Comprehension)
2. Speaking (Presentation)
3. Reading (Comprehension)
4. Writing (Presentation)
5. その他 ()

- 3 -

1. 性別 1. 男 2. 女
2. 学年 1. 20代 2. 30代 3. 40代 4. 50代 5. 60代以上
3. 最終学歴 (国内) 1. 旧制大学 2. 新制大学 3. 修士課程 4. 博士課程
4. 最終学歴 (国外) 1. 大学 (学部) _____ 国 2. M.A. _____ 国
3. PhD _____ 国 4. その他 _____ 国
5. 専門分野 1. 英米文学 2. 英語学・言語学 3. 英語教育学
4. 比較文学・文化 5. その他 ()
6. 現在の地位 1. 教授 2. 助教授 3. 専任講師 4. 助手
5. その他 ()
7. 海外研修「回数」: (学生時代の留学期間も含みます)
1. なし 2. 1回 3. 2回 4. 3回
5. 4回以上 (回)
8. 海外研修「期間」: (2回以上の場合はその年月を合計して下さい)
1. 2ヶ月以内 2. 6ヶ月以内 3. 1年以内 4. 2年以内
5. 2年を超える
9. (質問7で2,3,4,か5と答えた人に) どちらの国ですか:
[2つ以上選んでもかまいません]
1. U.S.A. 2. U.K. 3. Germany 4. France
5. その他 ()

- 2 -

② (教材)

14. 1993年度の英語の授業 (1年生の必修クラスに限定) についてお聞きします。
あなたはどのような内容の教材を使っていますか (1年生の必修クラスを担当
していない場合、2年生の必修クラス、1年生の選択クラス、2年生の選択ク
ラスの順に優先して下さい)
1. 文字関係
2. 言語関係
3. 一般文化的なもの (風俗・習慣・地理・歴史・思想など)
4. 時事的なもの
5. その他 ()
15. テキスト名・著者名・出版者名をお書き下さい
テキスト名: _____
著者名: _____
出版者名: _____
16. (質問14で1と答えた人のみお答え下さい) 文字関係のうちどの分野の教材を
主に使っていますか
1. 小説 2. 詩 3. 劇 4. エッセイ 5. その他 ()
17. 教材はどのようにして決まりますか:
1. 個人が自由に選ぶ
2. 指定された枠内で選ぶ
3. 関係者の話し合いで決める
4. 指定された教材しか使えない
5. その他 ()

- 4 -

④ (授業について)

18. あなたはどの技能に重点を置いて指導していますか: [2つ以上選んでもかまいません]

- 1. Listening (L)
- 2. Speaking (S)
- 3. Reading (R)
- 4. Writing (W)
- 5. その他 ()

19. (質問18で1と答えた人に) Lの授業ではそのレベルをどこに置いていますか

- 1. 中・高での基礎英語、英検3級程度の英語が聞き取れる
- 2. 高校での基礎英語、英検2級程度の英語が聞き取れる
- 3. 米国のテレビ、映画、FM、BBC等の英語が聞き取れる

20. (質問18で2と答えた人に) Sの授業ではそのレベルをどこに置いていますか

- 1. 日常会話がどうにかできる
- 2. 日常会話がかなり自由にできる
- 3. 議論ができる

21. (質問18で1か2と答えた人に) LやSの授業ではあなたは主にどれに力点を置いていますか: [1つだけ選んでください]

- 1. 発声練習
- 2. 音声、テープなどの聞き取り
- 3. 文型などの暗記、反復練習
- 4. 対話練習、スピーチ
- 5. その他 ()

22. (質問18で3と答えた人に) Rの授業ではそのレベルをどこに置いていますか (辞書をあまり用いないで)

- 1. やさしい小説類が読める
- 2. 一般の新聞や雑誌が読める
- 3. 専門書が読める

23. (質問18で3と答えた人に) Rの授業ではあなたは主にどれに力点を置いていますか: [1つだけ選んでください]

- 1. 限られた時間に大量に読める
- 2. 内容を正確に理解する
- 3. 総合的能力をつける
- 4. 作品の鑑賞力をつける
- 5. その他 ()

24. (質問18で3と答えた人に) Rの授業ではあなたは主にどのようにして授業を進めていますか: [1つだけ選んで下さい]

- 1. あらかじめ学生個人にあてておく
- 2. 学生をグループに割り当てておく
- 3. 指導中適宜学生を指導する
- 4. 自分で訳・解説をする
- 5. その他 ()

25. (質問18で4と答えた人に) Wの授業ではそのレベルをどこに置いていますか

- 1. 日常の手紙が書ける
- 2. 仕事に必要な文章が書ける
- 3. 専門的論文が書ける

26. (質問18で4と答えた人に) Wの授業ではあなたは主にどれに力点を置いていますか: [1つだけ選んでください]

- 1. 和文英訳
- 2. 自由作文
- 3. 文型や表現の練習
- 4. 書き換え練習
- 5. その他 ()

27. あなたは自分が理想だと思う指導法を授業で使っていますか

- 1. 使っている
- 2. 学生の学力が低くて使えない
- 3. 学生数が多くて使えない
- 4. 機器、設備、環境などが不備のため使えない
- 5. その他 ()

④ (法律英語)

28. 現在慶應義塾大学法学部法律学科の英語教育には「法律に関連、あるいは法律そのものを題材とした授業」というものはほとんど存在していません。学生が外国法(主として英米法)を学ぶ上で、あるいは比較法を学習する上で、参考にするべき必要最小限のリストがあります。かつてあなたは掲載された文献を目にしたことがありますか。あるいは利用したことがありますか。それぞれ該当するものにV印をつけて下さい。

(リスト引用: 田中1972)

辞書	見た利用
1 江島常夫・北沢正啓編(1956)「英米商事法辞典」商事法務研究会	
2 高柳賢三・末延三次編(1952)「英米法辞典」有斐閣	
3 田中英夫編代表(1991)「英米法辞典」東京大学出版会	
4 坂田牧太郎編(1989)「アメリカ法辞典」成文堂	
5 その他(具体的に)	
6 Ballentine, J. A., (1969) Ballentine's Law dictionary with pronunciations, 3d ed. by M. S. Anderson	
7 Black, H. G., (1979) Black Law Dictionary, 5th ed.	
8 Bouvier, H. G., (1914) Black Law Dictionary and concise encyclopedia, 8th ed. by F. Rawle	
9 A Concise Dictionary of Law (1983) [Oxford & N. Y.] O. U. P.	
10 Curzon, L. B., (1983) A Dictionary of Law, 2nd ed. by Macdonald and Evan	
11 Gliffs, S. H., (1984) Law Dictionary, 2nd ed. by Woodbury, N. Y. Barron's Educational Ser.	
12 Jowitt, W. & A. Jowitt, (1977) 1st Earl, The Dictionary of English Law, 2nd ed. by John Burice, London: Sweet & Maxwell	
13 Mozley & Whiteley, (1962) Law Dictionary, 7th ed.	
14 Oran, D., (1983) Oran's Dictionary of the Law, St. Paul: West Pub. Co.	
15 Radin Law Dictionary (1970) Oceania	
16 Redden, Kenneth, R., & Veron, F. A. D., (1980) Modern legal glossary Charlottesville.	

法律英語 I (和英)

17 浅野 弘(1956)法律英語類語の研究 3 貿易クレームと仲裁, 5	見た利用
18 内田力蔵(1959-1960) 外国商法(1-8) 法学セミナー 37, 39, 40, 42, 44, 46, 47, 48	
19 奥村三寿(1953)英米法律用語の語源(資料)立命館法学 3	
20 小田 豊(1953)「法律英語入門」明玄書房	
21 小坂憲助(1965-1966) 法律英語あ・ら・かると(1-12)法学セミナー 109-120	
22 柴田光蔵(1972)英米とロマンス語とラテン語(法学ラテン語教室)判例タイムズ 279	
23 鈴木 肇(1971-1972) 英米法律用語活用集 海外商事法務111-126	
24 鈴木 肇(1973-1975) 英米法律用語活用集 国際商事法務1-10('73) 同 1, 2, 4, 6, 10('74) 同 2, 4, 6('75)	
25 田中英夫(1968-1969) 英米法への招待(1-11)法学セミナー 146-156 157	
26 田中英夫(1983)「英米法のこぼれ」有斐閣	
27 長谷川俊明(1992)「ローグス法律英語辞典」東京布井出版	
28 長谷川俊明()「法律英語の礎」東京布井出版	
29 長谷川俊明()「法律英語の事典」東京布井出版	
30 長谷川俊明()「法律英語のヒント」東京布井出版	
31 長谷川俊明()「法律英語のプロ」東京布井出版	
32 長谷川俊明()「法律英語と金融」東京布井出版	
33 長谷川俊明()「純法律英語の礎」東京布井出版	
34 早川武夫(1962)「法律英語の常識」日本評論社	
35 早川武夫(1963)英米の法務百題(1, 2)判例時報327, 330	
36 早川武夫(1966-1977) 英語法学(1-11)プレストンと違ひう(1-3) 英米の刑事手続(1-4)「銭殺」, ベリー・メイスンの法廷技術(1-3) 法学セミナー 121-131	
37 早川武夫(1960-1961) 外国商法読本-アメリカ法(1-12) 法学セミナー 49-60	
38 早川武夫()法学と外国語「読書案内法学」	
39 早川武夫(1992)「法律英語の基礎知識」商事法務研究会	
40 早川武夫(1962)「外国法の常識」日本評論社	
41 順政政男(1969-1972) 英米の法律家一人とその思想(1-33) 法学セミナー 162-165, 167-178, 180, 182-192, 194-198	

法律英語Ⅱ (洋書)	見た	利用
42 <u>Stroud's Juridical Dictionary: Words and Phrases Juridically Interpreted by British Judges and Parliament with Statutory Definitions</u> (3d ed. 1952)		
43 <u>Words and Phrases Judicially Defined</u> , 5 vols. (2d ed. 1969 by J.B. Saunders)		
44 <u>Words and Phrases</u> , 85 vols. (Permanent ed. 1964-70)		
百科事典	見た	利用
45 <u>Halsbury's Laws of England</u> , 43 vols. (3rd ed. 1952-64)		
46 <u>Halsbury's Laws of England</u> , Australian Pilot; New Zealand Pilot		
47 <u>Corpus Juris Secundum</u> , 101 vols.		
48 <u>American Jurisprudence</u> , Second, 82 vols. (1962-76)		
49 <u>American Jurisprudence</u> , Desk Book		
50 <u>California Jurisprudence</u> , etc.		
51 <u>Encyclopedia of Court Forms and Precedents in Civil Proceedings</u> , 16 vols. (1937-50); (2d ed. 1961- in progress)		
52 <u>Fletcher's Encyclopedia of the Law of Private Corporations</u> , 20 vols. (rev. and permanent ed. 1931-33)		
53 <u>Cyclopedia of Federal Procedure</u> , 17 vols. (1950-53)		
54 <u>American Jurisprudence</u> , Trials, 20 vols. (1964-69)		
55 <u>American Jurisprudence</u> , Proof of Facts, 30 vols. (1959-61)		
判例集	見た	利用
56 <u>Law Reports Series</u> (1865 to date)		
57 <u>All England Law Reports</u> [略号 All.E.R.] (1936 to date)		
58 <u>Weekly Law Reports</u> (1875-)		
National Reporter System		
59 (1) <u>Supreme Court Reports</u> [略号 S.Ct.]		
60 (2) <u>Federal Reporter</u> [略号 Fed. または F.]		
61 (3) <u>Federal Supplement</u> [略号 F. Supp.]		
62 (4) <u>Federal Rules Decisions</u> [略号 F.R.D.]		

	見た	利用
(5) <u>Atlantic Reporter</u> [略号 Atl. または A.]		
63 <u>North Eastern Reporter</u> [N.E.]		
64 <u>North Western Reporter</u> [N.W.]		
65 <u>Pacific Reporter</u> [P.R.]		
66 <u>South Eastern Reporter</u> [S.E.]		
67 <u>South Western Reporter</u> [S.W.]		
68 <u>Southern Reporter</u> [So.]		
69 (6) <u>New York Supplement</u> [N.Y. Supp.]		
70 (7) <u>California Reporter</u> [Cal. Rptr.]		
71 <u>National Reporter BlueBook</u>		
72 <u>United States Reports</u> [略号 U.S.]		
73 <u>United States Supreme Court Reports (lawyer's Edition)</u> [l.ed.]		
74 <u>United States Law Week</u> [略号 U.S.L.W.]		
法令集	見た	利用
75 <u>Law Reports, Statutes</u> (since 1866)		
76 <u>Public General Acts</u> (since 1831)		
77 <u>Current Law Statutes Annotated</u> (since 1948)		
78 <u>Halsbury's Statutes of England</u> , 3rd ed. 39 vols. (1968-72)		
79 [U.S.] <u>Statute at Large</u>		
80 <u>United States Treaties and Other International Agreements</u>		
81 <u>United States Code Annotated</u> [U.S.C.A.]		
82 F. Thorpe (ed.), <u>The Federal and State Constitution, Colonial Charters, and Other Organic Laws</u> , 7 vols. (1909)		
83 <u>Constitutions of the United States, National and State</u> , 2 vols. (1962)		
84 <u>Index Digest of State Constitutions</u> (2d ed. 1959)		
85 <u>The Book of the States</u>		
86 <u>Uniform Law Annotated</u>		
法律入門書		
87 <u>Introduction to English Law</u> , 11th edition, by Philip, S. James. (London: Butterworth, 1985)		
88 <u>A Level Law</u> , by Dugdale et al. (London: Butterworth, 1986)		
89 <u>Learning the Law</u> , by Williams, (Stevens, 1982)		

29. 学生が法(主として英米法)を学ぶ上で、あるいは法そのものを学ぶ上で、「法」を題材にした英語のテキスト(例1・2・3)がごさいます。各テキストを御参照の上、お答え下さい。

テキスト例1 Law Today

Rick Powell 著/田口哲也・太田裕之・佐野仁志編注
[Elchosha Longman Books].

専門以外も含めた学生を対象に、法律に関する総合的基礎知識を提供、随所で他の国々における基本原則と慣例との比較対照を行っている。
国際化時代に格好のテキスト

- 構成 -

第1部(1~50)一般論:

法の定義・由来・世界各地で発展してきた法の伝統・民事法と公法の区別・法の作成と適用に当たる制度機関・弁護士の仕事

第2部(6~100)重要な法原則:

契約・犯罪・不法行為・信託・土地法

第3部(11~150)経済・社会生活のある分野を秩序だてる法の役目:

事業経営・消費とサービス・家庭生活・雇用・知的財産(発明、デザイン、著作権)

第4部(16~200)社会・政治の発展に深く関わる法制上の進歩:

言論の自由と表現の自由・市民権・人権・法の実現・法の国際化

- 備考 -

各章末には簡単な Comprehension Questions と Discussion の課題も用意されている

こういったテキストを使用して、授業を英語教師が行う必要がありますか

1. 2. 3. 4. 5.

必要ない | | | | | 多いに必要

30. (質問29で3か4からと答えた人に) 学生にはどの段階で教えるのが適当ですか

1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他)

31. (質問29で1か2と答えた人に) その理由をお答え下さい。

1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他 ()

32. テキスト例2 Point of Law [法経百話] 2

Nichel Ilioman / 堀野弘明・長谷川滋編注

南雲堂, 1971

- 構成 -

Case of the Stolen stories

Case of the Contraband Camera

Case of the Difficult Doors

Case of the Girl with the Thousand Boy Friends

Case of the Baker's Bigamy

- 備考 -

本書には全収録・別巻録音テープがあります。

こういったテキストを使用して、授業を英語教師が行う必要がありますか

1. 2. 3. 4. 5.

必要ない | | | | | 多いに必要

33. (質問32で3か4からと答えた人に) 学生にはどの段階で教えるのが適当ですか

1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他 ()

34. (質問32で1か2と答えた人に) その理由をお答え下さい。

1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他 ()

35. テキスト例3 GERMOLUS v. SAUSSER

Supreme Court of Minnesota, 1901, 83 Minn. 141, 85 N.W. 946.

STARI, C.J. Action to recover damages for personal injuries sustained by the plaintiff by reason of an assault and battery perpetrated upon him November 14, 1899, by the defendant. The defense was that the act was done in self-defense. Verdict for plaintiff for \$1,100, and the defendant appealed from an order denying his motion for new trial. ---

(早川, 1962:11-12)

- 日本語訳 - GERHOLDS V. SAUSSER

ミネソタ州最高裁判所、1901年、

ミネソタ州最高裁判所公式判例州八三巻一四一頁

West Publishing Co. の商業出版判例集National Reporter System

のうちのNorthwestern Reporter 第の八五巻九四六頁

1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に与えた損害に対する損害賠償請求の訴。〔被告は〕正当防衛のため行った行為である、と抗弁した。〔原告は〕原告損害、損害賠償金1,100ドルと評決した。被告は損害の成立をしたが、却下の決定を受けたため、これを不服として、抗告した。… (早川1962:11-17)

一般英語と法律英語を分かつ場合、相互に重複し、影響し合っているのだから全く独立しているとはいえません。しかしながら、以下に幾つかの特徴をあげさせていただきます。

- (1) 普通の語句を特殊の意味に使う
- (2) 一般には廃語になっている古期英語、中期英語を多用する
- (3) ラテン語を多用する
- (4) 一般の英語辞書に入っていないOld French Words, Anglo-Norman Wordsを使う
- (5) 専門術語を使う
- (6) 仲間言葉を使う
- (7) 改まった言葉使いをする
- (8) 仲間のある表現を使う(略語)
- (9) 極端に厳密な表現を使う
- (10) その他 (早川、1992:12)

上記のような例文を教材とした意味の習得を含めたReadingの授業を英語教師が行う必要はありますか

1. 2. 3. 4. 5.

必要ない | - | - | - | 多いに必要

36. (質問35で3か4か5と答えた人に) 学生にはどの段階で教えるのが適當ですか

1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他

37. (質問35で1か2と答えた人に) その理由をお答え下さい。

1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他 (

38. Writingについてお聞きします。専門分野(法律関係)の論文、レポートなどのWritingの授業を英語教師が行う必要はありますか

1. 2. 3. 4. 5.

必要ない | - | - | - | 多いに必要

39. (質問38で3か4か5と答えた人に) 学生にはどの段階で教えるのが適當ですか

1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他

40. (質問38で1か2と答えた人に) その理由をお答え下さい。

1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他 (

41. 英米の裁判、テレビなどを使った教材でのListening, Speakingの授業を英語教師が行う必要はありますか

1. 2. 3. 4. 5.

必要ない | - | - | - | 多いに必要

42. (質問41で3か4か5と答えた人に) 学生にはどの段階で教えるのが適當ですか

1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他

43. (質問41で1か2と答えた人に) その理由をお答え下さい。

1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他 (

44. 法学部法律学科の英語教育に対しましての先生の御見解、あるいは御意見を聞かれましたら幸いです。次の頁に用意させていただいております。なお、Dissertationの一部といたしまして教材作成を志しております。御指導を御ざたく存じます。よろしくお願い申し上げます。

御意見欄

さいごに

今回のアンケート調査は1983年3月、1985年3月に行われました。

大学「一般教育」教育実態調査研究会の研究調査報告書

大学英語教育に関する実態と将来像の総合的研究(Ⅰ)-教員の立場

大学英語教育に関する実態と将来像の総合的研究(Ⅱ)-学生の立場

を参考にさせていただきました。

御協力ありがとうございました。

(参考文献)

大学「一般教育」教育実態調査研究会、研究代表者 小池生夫(1983)

大学英語教育に関する実態と将来像の総合的研究(Ⅰ)-教員の立場、

東京：文部省科学研究費補助金研究(慶應義塾大学)、大学「一般教育」

教育実態調査研究会、研究代表者 小池生夫

大学「一般教育」教育実態調査研究会、研究代表者 小池生夫(1985)

大学英語教育に関する実態と将来像の総合的研究(Ⅱ)-学生の立場

東京：文部省科学研究費補助金研究(慶應義塾大学)、大学「一般教育」

教育実態調査研究会、研究代表者 小池生夫

田中英夫(1974)「外国法の調べ方-法令集・判例集を中心に-」東京：研究社

早川武夫(1962)「法律英語の常識」東京：日本評論社

早川武夫(1992)「法律英語の基礎知識」東京：商事法律研究会

Appendix 6.7: The Questionnaires: Law Teacher's Version

法律学専攻の学生に対する英語教育に関するアンケート（法律教師用）
慶應義塾大学大学院法学研究科 研究生 寺内 一

はじめに。
このアンケートは私の、英国University of Warwick におきます
PhD 論文 "Research into the English Language Requirements for Law Students
in a Japanese University"
のリサーチの一部でございます。法律学専攻の学生（学部1・2年生、学部3・4
年生、修士課程の大学院生）に對しましてどういった英語教育が可能なのか、先生
の御意見を伺いたく存じあげます。下記のことにご注意を払われましてお答えくださ
い。

- 1 答はすべて用紙の回答欄の適当な番号を○印でお読み下さい。一部記入
していただくところがございます。
(例)①ある 2.ない
- 2 選ぶ選択肢の数が指示していない場合は、1つだけお選び下さい。ただし、
念のため「1つだけ選んで下さい」と書いてある場合もございます。
- 3 選ぶ選択肢の数「2つ以上選んでもかまいません」と書いてある場合は、
できるだけ主なものに限定し数をおしほり下さい。
- 4 選択肢がスケールで
1. 2. 3. 4. 5.
|-----|
のように示してある場合は、1がその程度が最低（小）で、3が中ぐらい
5が最高（大）とお考え下さい。2は1と3、4は3と5の中間の程度を
示すものとしたします。
(解答例)① 2. 3. 4. 5.
|-----|
- 5 質問によっては、遠く離れて前にある質問とつながっているものござい
ます。前の質問をご確認なさった上でお答え下さい。

では、よろしくお願い申し上げます

平成5年10月1日

- 1 -

教師用アンケート（法律）

1. あなた自身について

1. 性別 1. 男 2. 女
2. 年齢 1. 20代 2. 30代 3. 40代 4. 50代 5. 60代以上
3. 最終学歴（国内）1.旧制大学 2.新制大学 3.修士課程 4.博士課程
4. 最終学歴（国外）1.大学（学部） 国 2.M.A. 国
3.PhD 国 4.その他 国
5. 専門分野 1. 公 法（具体的に）
2. 私 法（具体的に）
3. その他（具体的に）
6. 現在の地位 1. 教授 2. 助教授 3.専任講師 4. 助手
5. その他（ ）
7. 海外研修「回数」：（学生時代の留学期間も含みます）
1. なし 2. 1回 3. 2回 4. 3回
5. 4回以上（ 回）
8. 海外研修「期間」：（2回以上の場合はその年月を合計して下さい）
1. 2ヶ月以内 2. 6ヶ月以内 3. 1年以内 4. 2年以内
5. 2年を超える
9. （質問7で2,3,4.からと答えた人に）どちらの国ですか：
【2つ以上選んでもかまいません】
1. U.S.A. 2. U.K. 3. Germany 4. France
5. その他（ ）

- 3 -

最初に、下記の例文を御覧ください。この文章は神戸大学法学部名誉教授
早川武夫先生御執筆の「法律英語の基礎知識」（1962：日本評論社）から引用した
ものです。英米法を学ぶの学生に指導するためのテキストの一部です。私のアンケ
ート調査の目的の一つにあたる「学生がこのレベルの英文を読んでいくのに要求さ
れる英語力を身につけるには」ということを前提に以下の質問にお答えください。

GERMOLUS v. SAUSSER

Supreme Court of Minnesota, 1901. 83 Minn. 141, 85 N.W. 946.

STARR, C.J. Action to recover damages for personal injuries
sustained by the plaintiff by reason of an assault and battery
perpetrated upon him November 14, 1899, by the defendant. The
defense was that the act was done in self-defense. Verdict for
plaintiff for \$1,100, and the defendant appealed from an order
denying his motion for new trial. --- (早川, 1962:11-12)

—日本語訳— GERMOLUS v. SAUSSER

ミネソタ州最高裁判所、1901年、

ミネソタ州最高裁判所公式判例集八三巻一四一頁

West Publishing Co. の商業出版判例集National Reporter System
のうちのNorthwestern Reporter 部の八五巻九四六頁

1899年11月14日被告が原告に対し脅迫及び暴行を加え、よって原告に
与えた損害に対する損害賠償請求の訴。【被告は】正当防衛のため行っ
た行為である、と抗弁した。【陪審は】原告勝訴、損害賠償金1,100 ド
ルと判決した。被告は陪審の申立をしたが、却下の決定を受けたため、
これを不服として、控訴した。--- (早川1962:11-17)

一般英語と法律英語を分かつ場合、相互に重複し、影響し合っているの
でそれらが全く独立しているとはいえません。しかしながら、以下に幾つかの特
徴をあげさせていただきます。

- (1) 普通の語句を特殊の意味に使う
- (2) 一般には廃語になっている古期英語、中期英語を多用する
- (3) ラテン語を多用する
- (4) 一般の英語語彙に入っていないOld French Words, Anglo
Norman Wordsを使う
- (5) 専門術語を使う
- (6) 仲間言葉を使う
- (7) 改まった言葉使いをする
- (8) 仲間のある表現を使う（略語）
- (9) 極端に厳密な表現を使う
- (10) その他 (早川, 1992:12)

- 2 -

2. 法律学専攻の学生の英語学習について

①（目標・目的）

10. 法学部法律学科あるいは法学部で英語を教えることは必要だと思いますか
1. 必要 2. 不必要 3. どちらともいえない
11. （質問10で1と答えた人に）必要と思う理由は何ですか：【2つ以上選んでも
かまいません】
1. 将来必要になるはずだから
2. 高校までの英語では不十分だから
3. 外国人とのコミュニケーションをはかるために
4. 専門分野の勉強の手助けになるから
5. その他（ ）
12. 日本の大学英語教育は必ずしも成果をあげていないといわれていますが、どう
思いますか
1. まったくあげていない
2. あまりあげていない
3. どちらでもない
4. かなりあげている
5. 大いにあげている
13. （質問12で1か2と答えて人に）成果をあげていない主な理由は何だと思いますか：【2つ以上選んでもかまいません】—国民性など—
1. 日常生活で英語を使わないで済む
2. 日本人は以心伝心などといい、ことばによる表現があまり
得意でない
3. 日本人は完璧主義の傾向があり、細かい所に気を使い過ぎる
4. 英語と日本語は違いが大きい
5. その他（ ）

- 5 -

14. (質問12で1か2と答えて人に) 成果をあげていない主な理由はなんだと思いますか: [2つ以上選んでもかまいません] - 制度など -

1. 授業時間が少ない
2. クラスの人数が多すぎる
3. 好き嫌いにかかわらず全員に教えている
4. 受験でやめられている
5. 教科書がよくない
6. 施設・設備がよくない
7. 教師の質に問題がある
8. 教え方がよくない
9. その他 ()

15. 法字部法律学科あるいは法学部として英語の到達目標を設定すべきですか

1. 学部として設定すべきである
2. 個人として設定すべきである
3. 設定すべきでない
4. その他 ()

16. 到達目標を設定する場合には、設定すべき技能に○印をつけ、その目標を具体的に書き下さい: [2つ以上選んでもかまいません]

1. Listening (Comprehension)
2. Speaking (Presentation)
3. Reading (Comprehension)
4. Writing (Presentation)
5. その他 ()

② (教材)

17. 英語の授業の教材についてお聞きします。あなたはどのような内容の教材を使うのが適当だと思いますか。

1. 文学関係
2. 言語関係
3. 一般文化的なもの (風俗・習慣・地理・歴史・思想など)
4. 時事的なもの
5. その他 ()

- 5 -

23. (質問19で3と答えた人に) Rの授業ではそのレベルをどこに置くべきですか

1. (辞書をあまり用いなくて) やさしい小説類が読める
2. (辞書をあまり用いなくて) 一般の新聞や雑誌が読める
3. 専門書が読める

24. (質問19で3と答えた人に) Rの授業では主にどれに力点を置くべきですか [1つだけ選んでください]

1. 限られた時間に大量に読める
2. 内容を正確に理解する
3. 総合的能力をつける
4. 作品の鑑賞力をつける
5. その他 ()

25. (質問19で3と答えた人に) Rの授業方法としてどのような方法が理想ですか: [2つ以上選んでもかまいません]

1. 本文を分析して精読させる
2. 主に和訳しながら精読させる
3. 和訳なしで速読させ内容を把握させる
4. 英語を使って解説、英問英答をしながら授業を進める
5. その他 ()

26. (質問19で4と答えた人に) Wの授業ではそのレベルをどこに置くべきですか

1. 日常の手紙が書ける
2. 仕事に必要な文章が書ける
3. 専門の論文が書ける

27. (質問19で4と答えた人に) Wの授業では主にどれに力点を置くべきですか: [1つだけ選んでください]

1. 和文英訳
2. 自由作文
3. 文型や表現の練習
4. 書き換え練習
5. その他 ()

- 7 -

18. (質問17と答えた人に) 法そのものを題材とした教材については 頁以降でお聞きいたしますが、1. 文学関係ならば小説・詩など、4. 時事的なものならば英米の雑誌・新聞など具体的にお答え下さい。

③ (授業について)

19. あなたはどの技能に重点をおいて指導してほしいですか: [2つ以上選んでもかまいません]

1. Listening (L)
2. Speaking (S)
3. Reading (R)
4. Writing (W)
5. その他 ()

20. (質問19で1と答えた人に) Lの授業ではそのレベルをどこに置くべきですか

1. 中学校での基礎英語、英検3級程度の英語が聞き取れる
2. 高校での基礎英語、英検2級程度の英語が聞き取れる
3. 英米のテレビ、映画、FEN、BBC等の英語が聞き取れる

21. (質問19で2と答えた人に) Sの授業ではそのレベルをどこに置くべきですか

1. 日常会話がどうにかできる
2. 日常会話がかなり自由にできる
3. 議論ができる

22. (質問19で1か2と答えた人に) LやSの授業では主にどれに力点を置くべきですか: [1つだけ選んでください]

1. 発声練習
2. 肉声、テープなどの聞き取り
3. 文型などの暗記、反復練習
4. 対話練習、スピーチ
5. その他 ()

- 6 -

④ (法を学ぶための英語)

28. 現在慶應義塾大学法学部法律学科の英語教育には「法律に関連、あるいは法律そのものを題材とした授業」というものはほとんど存在していません。学生が法(主として英米法)を学ぶ上で、あるいは法そのものを学習する上で、「法」を題材にした英語のテキスト(例1・2)を使う例も考えられます。各テキストを御参照の上、お答え下さい。

テキスト例1 Law today

Rick Powell 著/田口哲也・太田裕之・佐野仁志編注

[Eichosha Longman Books]

専門以外も含めた学生を対象に、法律に関する総合的基礎知識を提供、随所で他の国々における基本原則と慣例との比較対照を行っている。

国際化時代に格好のテキスト

- 構成 -

第1部(1~58) 一般論:

法の定義・由来・世界各地で発展してきた法の伝統・民事法と公法の区別・法の作成と適用に当たる制度機関・弁護士の仕事

第2部(6~104) 重要な法原則:

契約・犯罪・不法行為・信託・土地法

第3部(11~158) 経済、社会生活のある分野を秩序だてる法の役目:

事業経営・消費とサービス・家庭生活・雇用・知的財産(発明、デザイン、著作権)

第4部(16~204) 社会、政治の発展に深く関わる法制上の進歩:

言論の自由と表現の自由・市民権・人権・法の実現・法の国際化

- 備考 -

各章末には簡単なComprehension Questions とDiscussionの課題も用意されている

こういったテキストを使用して、授業を英語教師が行う必要がありますか

1. 2. 3. 4. 5.

必要ない | | | | 多に必要

29. (質問28で1か2と答えた人に) その理由をお答え下さい。

1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他

- 8 -

30. (質問28で3か4か5と答えた人に) 学生にはどの段階で教えるのが適当ですか
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他
31. (質問28で3か4か5と答えた人に) このようなテキストで指導していく場合、英語教師の法そのものの理解、すなわち専門分野の理解力のレベルはどれくらいが適当ですか。
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他

32. . テキスト例2 Point of law [法廷百話] 2
Michel Lipman / 堀野弘明・長谷川淑編注
南雲堂、1971
— 構成 —
Case of the Stolen stories
Case of the Contraband Camera
Case of the Difficult Doors
Case of the Girl with the Thousand Boy Friends
.....
Case of the Baker's Bigamy
— 備考 —
本書には全収録・別巻録ありです。

こういったテキストを使用して、授業を英語教師が行う必要がありますか
1. 2. 3. 4. 5.
必要ない | | | | 多いに必要

33. (質問32で1か2と答えた人に) その理由をお答え下さい。
1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他
34. (質問32で3か4か5と答えた人に) 学生にはどの段階で教えるのが適当ですか
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他

43. (質問40で3か4か5と答えた人に) その場合、英語教師の法そのものの理解、すなわち専門分野の理解力のレベルはどれくらいが適当ですか。
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他
44. 法学部法律学科の英語教育に對しましての先生の御見解、あるいは御提言を聞かれましたら幸いです。
なお、Dissertationの一部といたしまして教材作成を志しております。
御指導を仰ぎたく存じます。よろしくお願い申し上げます。

御意見欄

さいごに

今回のアンケート調査は1983年3月、1985年3月に行われました。
大学「一般教育」教育実証調査研究会の研究調査報告書
大学英語教育に關する実態と将来像の総合的研究(Ⅰ)―教員の立場
大学英語教育に關する実態と将来像の総合的研究(Ⅱ)―学生の立場
を参考にさせていただきました。

御協力ありがとうございました。

35. (質問32で3か4か5と答えた人に) このようなテキストで指導していく場合、英語教師の法そのものの理解、すなわち専門分野の理解力のレベルはどれくらいが適当ですか。
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他
36. Writing についてお聞きします。専門分野(法律関係)の論文、レポートなどのWriting の授業を英語教師が行う必要はありますか
1. 2. 3. 4. 5.
必要ない | | | | 多いに必要
37. (質問36で1か2と答えた人に) その理由をお答え下さい。
1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他
38. (質問36で3か4か5と答えた人に) 学生にはどの段階で教えるのが適当ですか
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他
39. (質問36で3か4か5と答えた人に) Writing を指導していく場合、英語教師の法そのものの理解、すなわち専門分野の理解力のレベルはどれくらいが適当ですか。
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他
40. 英米の裁判、テレビなどを使った教材でのListening, Speakingの授業を英語教師が行う必要はありますか
1. 2. 3. 4. 5.
必要ない | | | | 多いに必要
41. (質問40で1か2と答えた人に) その理由をお答え下さい。
1. 英語教師は教養英語を教えるべきだから
2. 内容が専門的すぎるから
3. その他
42. (質問40で3か4か5と答えた人に) 学生にはどの段階で教えるのが適当ですか
1. 学部1・2年 2. 学部3・4年 3. 修士課程 4. 博士課程 5. その他

Appendix 6.8: Reading Cases (Point of Law)

(Narrator for POINT OF LAW)

RADIO

Jack Moyles, in addition to voicing POINT OF LAW, has been engaged in narrating, announcing, acting and serving as newscaster in radio and television for VOICE OF AMERICA in Washington, D.C. for the past three years.

Mr. Moyles sold his interest and relinquished his ownership in a radio station in Idaho, to accept the invitation to come to Washington.

Mr. Moyles' credits in radio go back to Hollywood's big time dramatic and suspense programs that for so long were household names such as "Lux Radio Theater," "Hallmark Hall of Fame," "Suspense," "Mickey Spillane," "Wild Bill Hickok," "Johnny Dollar," "The Line-up" and "The Whistler."

He also performed as commercial announcer for two soap operas, "Dr. Paul" and "Aunt Mary."

MOVIE CREDITS

Winston Churchill's voice in "The Desert Fox," also narrated numerous educational and promotional films, plus science fiction and "chiller" type feature films for Edward Small Productions in Hollywood.

TELEVISION CREDITS

"The Line-up," "This Man Dawson," "State Trooper," "You Asked For It," "Aquanuts," "Klondike" and "Charlie Farrell Show."

CASE OF THE BEDAZZLING BLONDE

Is it truly more blessed to give than to receive? Many folks think so—and quite rightly. But there are times when—as an ancient Roman once said—*"Giving requires good sense."* And good sense would have helped in THE CASE OF THE BEDAZZLING BLONDE—

After 18 years of marriage, wealthy and successful Wallace Bradley found himself separated from his wife, Doris. Doris, it seems, had discovered that her husband's job came first, that she would always be second. Well, this started Wallace to thinking, because right after Doris filed for divorce, he began easing up on his job, and in the course of his fun-seeking, he met Candy Carter, a popular and attractive model. Impulsively, Wallace asked her to marry him. Candy only laughed. But when Wallace began giving her expensive gifts, she soon relented, and said she'd marry him. He continued to send her gifts—an \$18,000 engagement ring, a mink coat, and an emerald bracelet. He was very happy and asked Candy to set the day for their wedding as soon as his divorce

[1]

2

POINT OF LAW

became final. She said she'd let him know.

A short time later she called him. "Wallace? Honey—I-I've got something to tell you....I hope you won't mind...but I'm getting married. No, not to you, dear. Another man. And—we're going to New Orleans for our honeymoon. You wish us luck, dear?"

Wallace wished the happy couple anything but luck.

He saw his lawyer and demanded that action be taken to recover his expensive gifts.

Wallace's lawyer sued Miss Carter, and at the trial told the judge, "Mr. Bradley gave Miss Carter valuable gifts because she promised to marry him. Her promise was in fact fraudulent. She had no intention of marrying Wallace Bradley; her real interest in him was entirely financial."

Candy's lawyer denied this. "Further," he argued, "Mr. Bradley wasn't free to marry if Miss Carter had been ready. His divorce wasn't final. Still further, and most important, this so-called promise to marry is void. *Public policy is against the making of contracts to dissolve marriage, or make divorce easier.* This court should leave the parties where they stand in this matter."

Well, who's right? Would you decide for the BEDAZZLING BLONDE or the gullible Wallace Bradley?

POINT OF LAW

3

May a man get back his gifts if the girl who has promised to marry him breaks their engagement? Well, in this case, the court held that he could. Wallace wasn't seeking damages for breach of promise; he was after the property held in what the law calls a *constructive trust*. Nor is this action against public policy. Grounds for divorce existed before Wallace even met Candy; so any marriage contract they made could not affect the old marriage. Wallace is entitled to the return of his gifts.

10

CASE OF THE FULMINATING FORMULA

Danger, it seems, sometimes lurks in the unlikeliest places. Being careful will minimize dangers by a great deal, but we'll probably never achieve absolute 100 percent safety. Consider, for example, the odd CASE OF THE FULMINATING FORMULA—

15

Tom Landers was a junior accountant for a company manufacturing stoves. His busiest time of the year was in the fall when he had to help make up the annual report. It was just such a busy time when Tom came down with a bad cold.

20

Appendix 7.1: The Verdict

The following is one scene of the films on legal issues "The Verdict". Please indicate the examples referring to the characteristic points in spoken legal discourse.

The Twentieth Century Fox Motion Picture "The Verdict" TM and Company 1994 Twentieth Century Fox Film Corporation. All rights and received. FOUR-IN Creative Productive Corp., authorized user of English and Japanese bilingual language rights. The original screenplay by David Mamet. Transcribed and developed by FOUR-IN Creative Products Corp.

2. Do the Right Thing

VD 00:16:12

INT. BISHOP'S OFFICE - DAY - A well dressed and almost bald man in his forties, named JOSEPH ALITO, infamous a man in his sixties, named BISHOP BROPHY. The letterhead on the paper Alito shows to the bishop reads, "CAPE COD CASUALTY COMPANY, INC." They stand near an expensive antique desk. The huge room is luxuriously decorated. A young priest finished assisting the bishop with his collar and red cap.

ALITO : His name is Frank Galvin, Boston College, *class of fifty-two*. Second in his class. Editor of the *Law Review*. Worked with Mickey Morrissey twelve years. *Criminal law* and *personal injury*.

Another page shows an old news clipping with a picture of a young woman. The title reads, "Patricia Harrington To Wed."

ALITO : Married Patricia Harrington, 1960. Joined Sterns, Harrington, Pierce 1960 as a full partner.

Another page shows a news clipping with a picture of Galvin being forcefully escorted. The title reads, "Boston Lawyer Held in Jury Tampering Case."

ALITO : Resigned the firm 1969 over the Lillibridge case.

BISHOP : He was accused of jury tampering.

ALITO : Accused. Not indicted. He resigned the firm.

They begin to walk out of the room.

ALITO : Divorced 1970. Galvin worked with Michael Morrissey until Morrissey retired in seventy-eight. Since then he's been on his own. Four cases in the last three years. He's lost them all. He drinks.

INT. BISHOP'S OFFICE BUILDING/CORRIDOR AND STAIRS-DAY
They walk into the large and beautiful hall and pass other people as they go down the wide stairs.

Appendix 7.2: Legal Discourse Analysis (1)

The following is a part of "Learning the Law" written by Williams, G. (1971). Referring to one of the characteristics of the language of the law, for example, Law Latin, please extract the examples of Law Latin from the articles.

This little book aims to help those who have decided to study law - whether in a University or Polytechnic or Technical College or as a professional qualification.

From time to time I have been told of some who have read the book before making the decision, and have been sufficiently attracted by the taste it has given them of legal studies to make up their minds to continue. I did not, however, intend to proselytise when I wrote. As you will see if you look at Chapter 13, there are quite enough people trying to enter this profession without adding to the number. If you are uncertain about your career there may be strong personal and social reasons why you should take up something else: entering the world of commerce or industry, or becoming a technologist or research scientist. In the foreseeable future there is likely to be a much greater shortage of computer experts, electronic experts, good business managers and people who combine linguistic with other abilities than there will be of lawyers. I assume, however, that you have decided to study the law. Even if you have only narrowed your immediate options to obtaining higher education in one of the humanities, I would certainly wish to bring to your notice the attraction of Law as compared with the usual Arts subjects.

Law is the cement of society and also an essential medium of change. A knowledge of law increases one's understanding of public affairs. Its study promotes accuracy of expression, facility in argument and skill in interpreting the written word, as well as some understanding of social values. Unless you want to teach, it is of wider vocational relevance than most Arts subjects. Its practice does, of course, call for much routine, careful, unexciting work; and it is for you to decide whether you think you are temperamentally suited to it.

One of the layman's inveterate errors is to suppose that the lawyer is largely - even exclusively - concerned with criminal law. An old chestnut that will probably be inflicted upon the reader before he has proceeded far with legal studies (so why not by me?) concerns an old lady who was being given a glimpse of the Court of Chancery. She peered round and asked where was the prisoner. (According to a gloss on the tale, someone then explained to her that a Chancery judge did not try anybody except counsel.) In fact the law is divided into two great branches, the criminal and the civil, and of these much the greater is the civil. Since the nature of the division must be grasped at the outset, I shall try to give a simple explanation of it.

Appendix 7.3: Legal Discourse Analysis (2)

The Study and Classification of LawA. Understanding the Branch of Japanese Laws

Table 1.1. shows the choice of subjects of Law Department at KEIO University.
Please transrate all of the legal subjects into Japanese.

Table 1.1. KEIO University, Faculty of Law, Department of Law,
Choice of Subjects

1st Grade

1. Constitutional Law 1
2. Civil Law 1
3. Criminal Law 1

2nd Grade

3rd and 4th Grade

Group A

1. Jurisprudence
2. International Law
3. Foreign Law(English and American)
4. Foreign Law(German)
5. Foreign Law(French)
6. Foreign Law(EC)

Group B

1. Civil Law 4
2. Civil Law 5

Group C

1. Criminal Law 3
2. Criminal Procedure Code
3. Penal Policy

Group F (Seminar)

1. Constitutional Law
2. Civil Law
3. Criminal Law
4. Penalogy
5. Commercial Law
6. Civil Procedure Code
7. Foreign Law(Eng. & Ame.)
8. Foreign Law(German)
9. Foreign Law(German)
10. Foreign Law(EC)
11. International Law
12. Social Law
13. History of law
14. Administrative law

Group D

1. Commercial law 1
2. Commercial law 2
3. Commercial law 3
4. Civil-Procedure Code 1

Group E

1. Administrative law 1
2. Administrative law 2
3. Labor law
4. Economic law

Others

13. History of law 1
14. History of Law 2
15. Medical Legal Study
16. Penal Law
17. Law of Justice
18. Law of Trust
19. Social Security Law
20. Economic Policy
21. Accounting
22. Science of Business Administration
23. History of making Constitutional Law of Japanese

Others

1. Administrative law 3
2. Taxation
3. International law 2
4. Mortgage law
5. Commercial Law 4
6. Civil-Procedure Code 2
7. Bankruptcy Law
8. Private International law
9. International Transaction law
10. Criminology
11. Victimology
24. Public Finance
25. Money and Banking
26. Principle of Economics
27. Sociology 1
28. Sociology 2
29. Political Science 1
30. Political Science 2
31. EC Law

C. Reading for Specific Information and General Understanding

Look quickly at the following dictionary extracts, giving definition of "law".
What do you think about the term 'law'?

TEXT A: Hideo Tanaka, *Dictionary of Anglo-American Law* (p.500)

Law 1 法; 法律

□(1) 冠詞なしで用いられるときは、法一般ないし自然法や抽象的規範を意味する。例えば、question of law (法律問題)。

(2) A law や laws というときは、具体的な制定法や判例法を念頭においている

(3) the law は法全体ないし法体系をさす。

※ただし、英米でも常にこのように正確に使い分けられているわけではない

2 コモン・ロー[□エクイティの対語→common law]

TEXT B: *Kenkyusha's New English-Japanese Dictionary* (fifth edition) (p.1198)

Law 1 a (社会生活維持のため国会など国権の最高機関の規定する) 法; (個々の)
法律; (法律全体としての) 法、国法

b (適用範囲またはその特殊性によって分立されている) 法体系、…法、

c 「法律」= common law

2 法律学、法学; 法の知識

3 a 法の統制力、法の支配

b 権威、支配

4 [通例 the ~] a 法律的職業、法律家階級; 法的職業に従事する人々、法曹界

b ((口語)) 法律の施行期間; 警官、警察

5 法的手段[手続き], 訴訟、起訴

6 a [しばしば pl.] (遵奉すべき) おきて、規定

b (道徳・慣習上の) ならわし、慣例、慣習

c (技術・芸術上の) 原則、法

d (運動競技の) 規則、規定

7 a (宗教上の) 法律、戒律、おきて; 神の教え、啓示

b [the L-] ((聖書)) = Torah

8 (科学・哲学・自然上の) 法則、理法、原則、定律

9 ((英語)) (狩猟で猟犬が放たれる前に獲物に与える、または競技で弱い相手にハンディキャップとして与える) 先発時間、先発距離

10 ((廃)) 猶予、余裕

TEXT C: Roger Bird, *Olson's Concise Law Dictionary* (Seventh Edition) (p. 197)

law. A law is an obligatory rule of conduct. The commands of him or them that have coercive power (Hobbes). A law is a rule of conduct imposed and enforced by the Sovereign (Austin). But the law is the body of principles recognised and applied by the State in the administration of justice (Salmond). Blackstone, however, maintained that a rule of law made on a pre-existing custom exists as positive law apart from the legislator or judge, and Maine pointed out that there is law in the "determination of interests," and Vinogradoff saw law as a set of rules imposed and enforced by a society with regard to the attribution and exercise of power over persons and things. De Montmorency regarded law ultimately as the rules which bind men together in society in its struggle against natural environment: "Adaptation to environment is the condition of survival. Custom was the method by which man adapted himself to environment. To break custom was to face death. Coercion is a weapon of law which law has forged, but it is not the basis of law." Anson disposed of the difficulties of Austin thus: "When the State has attained to regularity in definition and enforcement of rules conduct, then we get the positive law with which Austin delighted to torment himself and his readers.

TEXT D: P.H. Collin, *Dictionary of Law* (Second Edition) (p. 135)

law (a) rule (which may be written or unwritten) by which a country is governed and the activities of people and organizations controlled; in particular, an Act of Parliament which has received the Royal Assent, or an Act of Congress which has been signed by the President of the USA, or which has been passed by Congress over the President's veto.

(b) law = all the statutes of a country taken together

(c) general rule; law of supply and demand = general rule that the amount of a product which is available is related to the needs of the possible customers

(d) (informal) the law = the police and the courts

11X1 L: *The Shorter Oxford English Dictionary* (p. 1185)

Law 1. *Human Law.*

- 1 a. The body of the rules, whether formally enacted or customary, which a state or community recognizes as bindings on its members or subjects. (In this sense usually *the law*) Also, in early use, a code or system of such rules.
b. Often personified as an agent 1513.
c. What the law awards-1593.
- 2 One of the rules. In early use only *pl.* often with a collective sense (after L. *iura, leges*) OE.
- 3 gen. a. Laws as obeyed or enforced; controlling influence of laws; the condition of society in which laws are observed ME.
b. (a) laws in general, as a human institution.
(b) the science of which laws are the subject-matter; jurisprudence. ME.
c. Rules or injunctions that must be obeyed ME.
- 4 Often defined, according to the matter with which it is concerned, as *commercial, ecclesiastical*, etc.
b. *Both laws* [after med. L. (doctor, etc.) *utriusque iuris*]
c. *International law, the law of the nations*, under which nations, as individual members of a common polity, are bound by a common rule of agreement or custom.
- 5 In English technical use, the Statute and Common Law, in contradiction to Equity 1591.
- 6 Applied predicatively to legal decisions or opinions to denote that they are correct.
- 7 (Usu. *the law*.) The legal profession. Orig. in man of law. (now somewhat arch.), lawyer. ME.
- 8 The action of the courts of law, as a means of procuring redress of grievances.; juridical remedy.
- 9 The body of commandments which express the will of God with regard to the conduct of His intelligent creatures. Also (with *a*, *the*, and *pl.*) a particular commandment.
a. *gen* OE.
b. as revealed, esp. in the Bible. Hence occas. the Scriptures themselves ME.

10 The precepts contained in the Pentateuch; esp. the ceremonial precepts considered separately Ol.

b. The Mosaic dispensation (as opp. to the Gospel); also, the system of Divine commands and of penalties contained in the Scriptures.

considered apart from the offer of salvation by faith in Christ ME.

c. The Pentateuch by itself ME.

11 A dispensation -1542.

12 A religious system; the Christian, Jewish, Moslem, or Pagan religion -1685.

13 Often used as the subject of propositions equally applying to human and divine law 1594.

law I. without reference to an external commanding authority.

1 Custom, customary rule or usage; habit, practice, ways -15 ...

b. Old Cant. A (specified) branch of the art of thriving -1591.

2 What is or is considered right or proper -ME.

3 A rule of action or procedure, e.g. in an act or department of action, a game, etc. Also, manner of life. ME.

b. The code or body of the rules recognized in a specified department of action ME.

law I. Scientific and philosophical uses.

1 In the sciences of observation, a theoretical principal deduced from particular facts, expressible by the statement that a particular phenomenon always occurs if certain conditions be present. In the physical sciences, etc., called more explicitly *law of nature* or *natural law* and in early use viewed as a command imposed by the Deity upon matter. 1665.

2 Laws (of Nature) in general; the order and regularity in Nature expressed by laws in 1853.

law II. *Sport*.

An allowance in time or distance made to animal that is to be hunted, or to a competitor in a race; a start 1600.

b. Hence, Indulgence, mercy 1649.

Appendix 7.4: Legal Discourse Analysis (3)

Stage 2: A comparative view of legal culture in Japan and the United States: *Nichi-bei hobunka no hikaku kento*.

My topic is a comparative study of legal culture in Japan and the United States. I want to try to concentrate on a consideration of the special characteristics of American legal culture. However, I think this really means that I am holding up a mirror to Japanese legal culture.

I.

First, let us tackle directly the question what is legal culture? This is a very difficult question, but, in essence, I use "legal culture" here in the following sense: There are various kinds of social power asserted by interest groups and individuals in a society. They make demands of various sorts within the social system. Various factors lie behind the way those demands manifest themselves, such as peoples' attitudes, values, and modes of conduct. I would refer to all of these in a consideration of legal culture.

These attitudes, values, modes of conduct and the ways in which they manifest themselves can all be illustrated by reference to particular issues. For example, there are certain attitudes adopted by people who are attracted to courts and lawyers (*horitsuka*). Do we not tend to think of courts as being impartial? Why do we typically employ litigation or courts or lawyers? When do we regard it as appropriate to employ litigation, and in relation to what areas of the law? Furthermore, what is the extent of knowledge of the average person about law? These kinds of considerations make the definition of "legal culture" a very practical question. There has been very little work on the general question of "legal culture," although independent work in some fields has considered it an issue. When I examined English language bibliographies, literature on "legal culture" just did not exist. However, Lawrence M. Friedman, in his *The Legal System* touches on "legal culture" in two chapters, and I have referred to them in my report today.

Friedman argues that if you look at a country's "legal culture" it is divided into the generalist's "social legal culture" and the specialist's "inner legal culture." The latter refers to the values, characteristics and modes of conduct of the specialists who shoulder the burden of making the system work.

Following my paper, the conference will move to a consideration of the impressions of practicing lawyers (*bengoshi*) and comparisons of the legal cultures in Japan and the United States. This will bring out again the attitudes of average people, as clients, in various countries, about contracts and rights, and their expectations concerning law and their modes of conduct.

Comprehension A Please state the main points in the passage.

- 1
- 2
- 3
- 4
- 5

Appendix 7.5: Legal English Textbooks: Publishers' Letters



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UNIVERSITY PRESS



**MULTILINGUAL
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Registered Office
Franklin Lodge,
Clevedon Hall,
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Fax No. (01276) 343096
Int. Fax: 44 1276 343096

Hajime Terauchi
Centre for English Language Teacher Education
The University of Warwick
Coventry
CV4 7AL

Publishing Division
The Edinburgh Building
Shaftesbury Road
Cambridge CB2 2RU, UK
Telephone: 0431 443100
Fax: 0431 443100
E-mail: information@cup.cam.ac.uk

Mr/Ms. Hajime Terauchi,
Centre for English Language Teacher Education,
University of Warwick,
COVENTRY, CV4 7AL

Date: 3 November 1995

Reply to: Sheila Pike

Thursday, November 9, 1995

Dear Hajime Terauchi

I am afraid Cambridge University Press does not produce any English for legal purposes books. Thank you very much for your enquiry.

Yours sincerely

Will Capel

Will Capel
Senior Commissioning Editor ELT

Direct line 01223 325844

Dear Mr/Ms. Terauchi,

Thank you for your recent letter concerning textbooks for teaching English for legal purposes.

However, we regret that we do not publish in this area but enclose a copy of our 1996 catalogue for your information.

Thank you for your attention.

Yours sincerely,

Sheila M. Pike

S. M. Pike (Mrs.)

ENC.



**Oxford
University
Press**

E/BCSN/acm

9 November 1995

Hajime Terauchi
Centre for English language Teacher Education
University of Warwick
COVENTRY
CV4 7AL

Dear Hajime Terauchi

Thank you for your letter requesting information on English for legal purposes.

I am afraid we do not publish textbooks for this area. I am sorry not to be of more help.

Yours sincerely

A. L. Miller

Barnaby Newbolt
Editorial Manager, ESP

English Language
Teaching Division
Managing Director Peter Motherole
Walton Street, Oxford OX2 6DP
Telephone 01865 36767
Telefax 01865 36646
Telex 837330 OXPRES G

Hajime Terauchi
Centre for English Language Teacher Education
University of Warwick
Coventry CV4 7AL

6 November 1995

Dear Mr Terauchi,

Thank you for your recent enquiry regarding English for Law books from Phoenix ELT.

I enclose sample copies of the following texts which will be of particular interest:-

English for Law

English Law and Language

In addition please find enclosed a 1995 Phoenix ELT catalogue, in which you will find details regarding a wide range of English for Specific Purposes texts.

I hope these will be of assistance and look forward to receiving your comments.

Yours sincerely,

Victoria Capstick

Victoria Capstick
(Marketing Co-ordinator)



**PHOENIX
ELT**

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Appendix 7.6: Resources for EALP Courses

(1) EALP textbooks

I wrote to ten ELT publishers in the UK asking whether they publish textbooks on Legal English. Some of them kindly replied to my enquiry (see Appendix 7.4). As far as I could discover only the following two textbooks have been written for English for legal studies. The first and second are written for non-native speakers who will study not only law itself but also legal language:

Riley, A. (1991) *English for Law*. London: Macmillan Publishers Ltd.

Russel, F. & Locke, C. (1992) *English Law and Language*. London: Cassel Publishers Ltd.

(2) CD-Rom for EALP

John Dale and Abdul Paliwara produced "Law Courseware Consortium" in the University of Warwick. This programme was prepared for law students who would major in law. Unfortunately, however, the use of Law Courseware Consortium is legally restricted to the institutions in the UK at the present time (Feb. 22, 1996). The information of the software can be obtained from:

The Law Courseware Consortium, Social Building,
University of Warwick, Coventry CV4 7AL.
Tel: 01203-524616, Fax: 01203-524105,
Email: lawcc@warwick.ac.uk

For the detailed description of this CD-Rom for law, please refer to:

Scott, C. and Widdowson, R. (1994) 'Law courseware: the next generation'. *Law Technology Journal*. Vol.3. No.2. May 1994. pp.7-17.

(3) Legal Textbooks

Drake, C. (1977) *Law of Partnership*. London: Sweet and Maxell.

Company : Twentieth Century Fox Film Corporation
Cast : Gene Hackman
Mary Elizabeth Mastrantonio
Colin Fries
: USA 1990

3 *The Firm*

Director: Shidney Pollock
Unit Productive manager: Michael Hausman
Music : Ted Whitfield
Art : John Willett
Company : PARAMOUNT PICTURES
: Tom Cruse
Gene Hackman
Jeanne Tripplehorn
Hal Hobbrook
Terry Kinney
: USA 1983

4 *First Among Equals*

Original: Geoffery Archer
Executive producer : Richard Everitt
Producer: Mervyn Watson
Director: John Gorrie
Music : Richard Bay
Art : Alan Grace
Chris Wilkinson
Company : GRANADA TELEVISION INTERNATIONAL
Cast : Tom Wilkinson
James Faulkner
David Robb
Jeremy Child
Anita Carey
Jane Booker
Joanna David
: UK 1986

5 *The Verdict*

Director: Sidney Remet
Company : TWENTIETH CENTURY-FOX FILM CORPORATION
Cast : Paul Newman
Sharrot Lumpling
Jack Warden
: USA 1982

6 *Presumed Innocent*

Unit Production Director: David Starke
Music :
Art : Bob Guerra
Company : A TIME WORD COMPANY
: Harrison Ford
Brian Dennehy
Paul Julia
Bonnie Bedelia

Paul Winfield
Greta Scotchi
: USA 1990

7 *The Verdict*

Director: Sidney Remet
Company : TWENTIETH CENTURY-FOX FILM CORPORATION
Cast : Paul Newman
Sharrot Lumpling
Jack Warden
: USA 1982

(5) *Materials form Shakespeare's plays*

The following list gives references to law in

Shakespeare:

- Clarkson, P.S. and Warren, C.T. (1942) *The Law of Property in Shakespeare and the Elizabethan Drama*. Baltimore: The John Hopkins Press.
Keeton, G.W. (1967) *Shakespeare's Legal and Political Background*. London: Sir Isaac Pitman & Sons Limited.
Phillips, O.H. (1972) *Shakespeare and the Lawyers*. London: Methuen & Co. Ltd.
Rothman, F.B. and White, E.J. (1987) *Law in Shakespeare*. Littleton: Colombia.

(6) *"Fictions" for Law Students*

Works of fiction which deal with legal issues are:

- Archer, J. (1984) *First Among Equals*. London: c/o Deborah Owen Literary Agent.
[Archer, J. (1985) *Mezase Downing-gai 10 Banchi*, translated by Nagai, J. Tokyo: Shincho-Sha.]
Archer, J. (1988) *Beyond Reasonable Doubt*. London: c/o Deborah Owen Literary Agent.
[Archer, J. (1988) *Muzai-to Mujitsu no Aida*, translated by Nagai, J. Tokyo: Shincho-Sha.]
Christy, A. (1933) *The Witness for Prosecution*. London: Harper Collins Publisher.
Christian, E.B.V. (1909) *Leaves of the Lower Branch*. pp.65-66.
Drinker, H.S. *The Lawyers of Anthony Trollope*. Hugh Cookerall in 127 N.L.J. 1252.
Dickens, C. (1837) *Pickwick*. London: Chapman & Hall.
Dickens, C. (1853) *Bleak House*. London: Bradbury & Evans.
Galsworthy, (1992) *Forsy the Saga*. London: Heinemann.
Thackeray, W.M. (1849?) *Pendennis, (Chaper 29)*. London: Bradbury & Evans.
Trollope, (1861 & 1862) *Orley Farm*. London: Chapman & Hall.

(7) *A List of Materials of Trials and Case) for EALP*

The following list includes some accounts of trials
for EALP courses:

The Notable British Trials Series,
the Annesley Case,
Smollett Tobias (1751) *Peregrine Pickle*.
Scott, W. (1815) *Guy Mannering*.
The Famous Trials Series in Penguins,
Hodge, H. and Hodge, J.H. (eds.) (1984) *Famous Trials*.
London: Penguin Books.

(8) *A List of Biographies for EALP*

The following list contains some authentic
Biographies of lawyers:

Ballantine W., (1882) *Some Experiences of a
Barister's Life*. London: Richard Bentley & Son.
Bowen, C.D. (1957) *The Lion and the Thronel* London:
Hamish Hamilton.
Fifoot, C.H.S. (1986) *Lord Mansfield*. Oxford:
Clarendon Press.
Heuston, R.F.V. (1964) *Lives of the Lord Chancellors*.
Oxford: Clarendon Press.
Howe, Mark de Woffe, (1957, 1963) *Justice Oliver
Wendel Holmes*. Cambridge, Massachusetts: The
Balknap Press of Harvard U.P.
Hyde, H.M. (1964) *Norman Birkett*. London: Hamilton.
Mack, M.L. (1962) *Jeremy Bentham Vol.1*. London:
Heinmann.

(9) *A List of Essays for EALP*

MacMillan, L. (1937) *Law and Other Things*. London:
CUP.

(10) *A List of History*

Abel-Smith, B. & Stevevs, R., (1967) *Lawyers and the
Courts*. London: Heinemann.
Abel-Smith, B. & Stevevs, R., (1968) *In Search of
Justice*. London: Heinemann.
Turner, E.S. (1956) *Roots to Ruin*, London: Penguin.

(11) *A List of Constitution for EALP*

de Smith, S.A. (1971) *Constitutional and
Administrative Law*. Hammondsworth: Penguin
Books.